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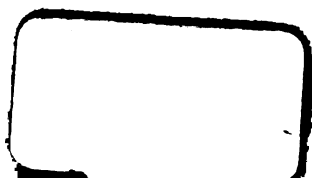
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HISTORY
OF
GREAT BRITAIN,
FROM
THE REVOLUTION
TO THE
ACCESSION OF THE HOUSE OF HANOVER.

By W. BELSHAM.

IN TWO VOLUMES.
VOL. I.



Ac mihi quidem videntur huc omnia esse referenda ab iis qui præfunt aliis,
ut ii qui eorum in imperio erunt, sint quàm beatissimi. CICERO.

Beneficio quàm metu obligare homines malit; exterarumque gentes fide ac socie-
tate junctas habere quàm tristi subjectas servitio. LIV. lib. 26.

LONDON:

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M.DCC.XCVIII.

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INTRODUCTION,

CONTAINING

A SUMMARY OF AFFAIRS

From 1660 to 1688.

Character of King Charles II. His discreet Appointment of Ministers. Character of the Earl of Clarendon. Change of Measures. Act of Uniformity. Marriage of the King. Sale of Dunkirk. First Declaration of Indulgence. First Dutch War. Disgrace of the Earl of Clarendon. Triple Alliance. Cabal Administration. King becomes a Catholic. Projects of the Cabal. Second Dutch War. Second Declaration of Indulgence. Earl of Shaftesbury joins the Opposition. Test Act passed. Spirited Conduct of the Commons. Peace with Holland. Insidious Policy of the Court. Secret Intrigues of the Patriots. State of the Nation. Popish Plot. Impeachment of the Lord Treasurer Danby. New Parliament. Bill of Exclusion. Habeas-Corpus Act passed. Duke of York presented as a Popish Recusant. New Parliament. Bill of Exclusion revived. Oxford Parliament convened. Triumph of the Court. Death of the King. Accession of King James II. Arbitrary Measures of the Court. Embassy to Rome. Meeting of Parliament. Abject Complaisance of the Commons. Rebellion of Monmouth. Barbarities of Jeffries. Dissolution of Parliament. Character of the Earl of Sunderland. King's dispensing Power confirmed by the Judge. Artifices of the Court to gain over the Dissenters. Affairs of Scotland—and of Ireland.

New Court of Ecclesiastical Commission. Bishop of London suspended. Vice-Chancellor of Cambridge ejected from his Office. President and Fellows of Magdalen College, Oxford, expelled. Declaration of Indulgence. Seven Bishops committed to the Tower. Obstinacy and Infatuation of the King. Earl of Castlemaine's Embassy to Rome. Prudent Conduct of the Prince and Princess of Orange. Birth of the Prince of Wales. Duplicity of Sunderland. State of Europe. Projects of the Prince of Orange. Terrors of the King. The Prince of Orange lands at Torbay. King leaves Whitehall. The Throne declared vacant. Prince and Princess of Orange declared King and Queen of England.

1660.
Character
of King
Charles II.

CHARLES II. was endowed by nature with qualities which gave him a just title to popularity; and his wonderful restoration to the throne of his ancestors, amidst the universal acclamations of his subjects, after twenty years of calamity and confusion, seemed to prognosticate a reign of unexampled felicity. Adversity has been styled the school of princes; and he possessed a capacity which might have enabled him to derive the most essential benefits from its discipline. His knowledge, though not extensive or profound, was of that species which in public life is of the highest importance, and which, if it had been rightly applied, would have conferred an honorable distinction upon his character. He was well acquainted with history and politics; he understood the interests of his country, and perfectly knew the rank she was entitled to hold amongst the

powers of Europe. He was possessed of the most insinuating and graceful address; and, without departing from the dignity of his station, he knew how to charm all who approached his person, by the unaffected condescension and engaging affability of his manners. Notwithstanding, however, the flattering appearances which raised so high the hopes of his subjects, and the expectations of the world, such and so great were his deviations from the standard of political and moral rectitude, that he incurred, before the conclusion of his reign, the indignation, the odium, and contempt of every friend of liberty and of virtue.

The declaration from Breda, the appointment of the earl of Clarendon to the post of prime minister, the admission of Annesley, Ashley Cooper, Hollis, Robarts, and Manchester, the leaders of the presbyterian party, to the royal councils, and the act of indemnity passed by the convention parliament, were measures well calculated to conciliate the affections of the nation, and to restore peace, order, and general harmony. During the sitting of the convention parliament, in which the presbyterian interest predominated, and which regarded the proceedings of the government with a watchful and jealous eye, affairs were conducted with prudence and moderation. That assembly was dissolved in December 1660;

His discreet
Appoint-
ment of Mi-
nisters.

1661. and in May 1661 a new parliament was convened, which quickly appeared to be of a complexion very different from the preceding one, and from which the perfidy of the king, and the violent and wretched bigotry of the earl of Clarendon, might expect the highest encouragement and applause. This celebrated minister was possessed of very shining virtues, both in public and private life. His capacity, if not of the first rate, was however not inadequate to his elevated station; and his integrity and probity are universally acknowledged. He had the interests not only of the king but of the kingdom really at heart; and though the measures of his administration were often extremely exceptionable, they invariably proceeded from a firm persuasion that they were calculated to promote the welfare and happiness of the community. The grand defect in the character of this nobleman was a want of liberality and comprehension of mind. He was a religious bigot; a character totally incompatible with that of a great statesman. He was under the influence of a thousand weaknesses and prejudices; his ideas of the nature and extent of regal authority were extravagantly high; he was wholly unacquainted with the principles of toleration. He was haughty, intractable, conceited, and morose; and entirely destitute of that spirit of mild wisdom and enlightened bene-

Character
of the Earl
of Clarendon.

violence which constitutes the highest perfection of the human character.

The first act passed by the new parliament Change of Measures. pronounced every person who dared to affirm the king to be a papist, incapable of holding any employment in church or state—a measure which obviously tended to increase the suspicions already entertained respecting this point. The bishops, who had been previously restored to their spiritual functions by virtue of the royal prerogative exercised under color of the act of supremacy, were now admitted to their former stations in parliament, from which they had been so long excluded. The power of the sword, which had been the immediate cause of the civil war, was solemnly relinquished, and the doctrine of non-resistance explicitly avowed. The crown was invested with a power of regulating, or rather of new-modelling, all the corporations throughout the kingdom, at pleasure; and all magistrates were obliged to declare, that it was not lawful upon any pretence whatever, to take up arms against the crown. All these different measures, however, were but so many preludes to the famous act of uniformity, which took place in the same session; and which fell like a thunderbolt on the devoted heads of the presbyterian party, *i. e.* upon a class of men who constituted at this period at least one half of the nation.

Act of Uniformity.

To exhibit this act in its proper colors, it must be remembered, that the convention parliament which restored the king was composed chiefly of presbyterians; and that their generosity had so far exceeded the limits of discretion, as to induce them to rely with unsuspecting confidence upon the royal declaration from Breda, in which they were flattered with the prospect of a general amnesty and liberty of conscience; and to reject the advice of the more sagacious members of that assembly, who were of opinion that specific conditions should be offered to the king, who, in that critical situation of his affairs, would gladly have acquiesced in whatever terms had been proposed. By the act of uniformity, however, the church was not only re-established in all her pristine rights, but the terms of conformity were made still more rigorous than in any former period, with the express view of excluding all of the presbyterian denomination from the national communion; in consequence of which, about two thousand of the beneficed clergy voluntarily relinquished their preferments on Bartholomew-day 1662, when the act of uniformity, by a refinement of cruelty, was to take place, in order to prevent those who should resign their livings from reaping any advantage from the tythes of the preceding year. After making every allowance for that mixture of adventitious motives by

which, in such situations, human nature will be ever in some degree actuated, this must certainly be regarded as an astonishing sacrifice of temporal interest to integrity and conscience, and as exhibiting a striking proof of the deep impression which the Christian religion is capable of making on the heart. But when we examine minutely into the reasons upon which this magnanimous secession was founded, we cannot but stand amazed at their extreme frivolousness and futility; and our admiration is almost annihilated by contempt. The leaders of the presbyterians, who were many of them men of great learning and abilities, did not object to a national establishment, as such; they were far even from professing to disapprove of the government of the church by bishops; to the theological system contained in the thirty-nine articles they were very strongly attached; and the use of a public formulary of worship they generally regarded not only as lawful but expedient. To what then did they object? To submit to re-ordination, by which the validity of the prior ordination by a presbytery would virtually be impugned. They could not in conscience consent to kneel at the sacrament of the Lord's supper; nor could they make use of the sign of the cross in baptism, nor prevail upon themselves to bow at the name of Jesus; nor would they countenance the su-

shows that the nation is not yet recovered from this species of political *mania*.

First Declaration of Indulgence.

Before the close of this year, the king exhibited plain indications of that attachment to the catholic religion which was so remarkable a characteristic of the Stuart family, and which at length terminated in their total ruin. In December he issued a declaration, in which was expressed his intention of mitigating the rigor of the penal laws in favor of his peaceable non-conforming subjects, by virtue of his dispensing power. But the house of commons, who were equally adverse to papists and presbyterians, strongly remonstrating against the proposed indulgence, the king gave the first proof of that cautious and accommodating spirit which never forsook him, even when engaged in the prosecution of the deepest and most dangerous designs, by immediately desisting from his project; and, in order to pacify the parliament, a proclamation was soon after issued against Jesuits and Romish priests.

From this time, however, it was observed that the earl of Clarendon began to decline from that height of favor he had hitherto enjoyed. The king became sensible that this inflexible minister, notwithstanding his high theoretical principles, could never be brought to support any designs which might be formed either for the actual ex-

tension of prerogative, or for the advancement of popery. The resolution taken by the court in the following year, not without the concurrence of the parliament and the approbation of the nation in general, to declare war against Holland, evidently marked the declension, or rather the annihilation of that nobleman's authority. The king's settled aversion to the manners, government, and religion of the Dutch nation, was the real ground of this war; and the jealousy entertained of those industrious republicans as commercial rivals was the cause of its popularity. It was, nevertheless, so palpably unjust, that the chancellor, whose probity remained unshaken in the midst of temptation, openly remonstrated against it, but without any effect. The war, however, was not carried on with that success which was expected. France and Denmark declared in favor of Holland; and the king, notwithstanding the memorable insult he received from the Dutch fleet commanded by De Ruyter, who, in the summer of 1667, sailed up the Medway, and burnt several men of war lying in that river, thought proper to sign a treaty of peace at Breda in July, and to reserve to a more favorable opportunity the complete gratification of his hatred and revenge. The disgrace of the chancellor immediately followed. Popular prejudices ran high against him; and the king had the base-

First Dutch War.

1667.

Disgrace of the Earl of Clarendon.

ness and ingratitude to encourage a parliamentary impeachment for high treason against the man to whom he owed the most important obligations, who had been the guide and counsellor of his youth, and in whom he had once placed the most unlimited confidence. Happily he found means to escape into France, where he spent the remainder of his life in philosophic and dignified retirement.

Triple Alliance.

The first political measure of the court after this event has met with very great and deserved applause. This was no other than the famous triple alliance concluded between England, Holland, and Sweden, for the avowed purpose of putting a stop to the military progress of the French monarch, whose power began about this time to appear extremely formidable, and who had, in contempt of every appearance of justice, entered the Spanish Low Countries with a numerous army, and threatened to make an entire conquest of those rich and extensive provinces. Lewis, however, did not choose to risque a rupture with this potent confederacy; and for a short time England, in consequence of this spirited conduct, appeared in her proper station, as the great bulwark of the common liberties of Europe. Some faint attempts were also now made by Buckingham, the new minister, to procure a relaxation of the terms of conformity; but the temper of the com-

mons appeared totally adverse to every idea of that nature. They even inflicted additional penalties upon non-conformists ; and, by a remarkable clause in the act passed against conventicles, the malignant spirit by which they were actuated, is strikingly manifested. If any dispute should arise with respect to the construction of the act, the judges are directed, contrary to the universal practice of the English courts of judicature in the interpretation of penal statutes, to explain the doubt in the sense least favorable to the delinquent. Such was indeed the violence with which the legislature now proceeded, that, had not the political circumstances of the times undergone an unexpected revolution, another Marian persecution was justly to be apprehended.

Towards the end of the year 1669, the principal executive offices of government were filled by Clifford, Arlington, Buckingham, Ashley Cooper, afterwards earl of Shaftesbury, and Lauderdale, who composed that administration so well known by the appellation of the CABAL—the majority of whom were, in the general opinion, men, who, to borrow the language of lord Clarendon, “ had heads to contrive, hearts to approve, and hands to execute any mischief.” And it may with strict justice be affirmed, that the king, in concert with a secret, dark, and dangerous faction, was engaged in a conspiracy against

1669.
Cabal Administration.

the religion, laws, and liberties of his kingdom. The dissimulation and perfidy of Charles are such as to make it extremely questionable, whether he ever really entered into the views with which the triple alliance was formed. However that may be, it is certain, that within two years after that event his political conduct was totally changed ; and in an interview which took place in the spring of the year 1670 with his sister Henrietta, duchess of Orleans, a secret treaty was negotiated with the French king for the purposes of subverting the republic of Holland, of making the authority of Charles absolute, and of establishing once more the Romish religion in the realms of Britain ; as a prelude to which, Charles was formally absolved, and received into the bosom of the catholic church*.

King becomes a Catholic.

* The three great objects of the alliance between Lewis and Charles were as stated in the narrative. But Clifford and Arlington only, who were themselves papists, were privy to the whole project. The secret was in part kept from Buckingham, Ashley, and Lauderdale, who were amused with a fictitious treaty, containing all the articles, except those relating to religion, of the former real treaty negotiated and signed unknown to them by lord Arundel of Wardour. " But," as Mr. Hume observes, " if popery was so much the object of the national horror, that even the king's own ministers either would not or durst not receive it, what hopes could he entertain of forcing the nation into it ?" The king was so zealous a papist, that he wept for joy when he saw the prospect

In pursuance of this plan, the king had the unparalleled assurance to convene the parliament in the following winter, and to procure supplies from them to a very large amount, under pretence of the danger to be apprehended from the increasing power of France, and of the obligation and necessity of supporting the triple alli-

prospect of re-uniting his kingdom to the catholic church. *Dalrymple's State Papers.*

King James, in his Memoirs under the year 1668, says, "About this time the duke of York discoursed with the king if he continued in the same mind as to his religion, who assured him he did, and desired nothing more than to be reconciled." And in the following year we find the account thus confirmed: "The duke speaks of religion to the king, and finds him resolved to be a catholic. The king appoints a private meeting with lord Arundel, lord Arlington, and sir Thomas Clifford, in the duke's closet, to advise on the methods to advance the catholic religion in his kingdoms. They met on the 25th of January. The king declared his mind in matters of religion with great zeal to the duke and other three persons at this private meeting. The result of the consultation was, that the work should be done in conjunction with France. The lord Arundel was accordingly sent to treat with the French king, and the treaty was concluded in the beginning of the year 1670." *Macpherson's Papers*, vol. ii. p. 50.

Père Orleans, in allusion to the royal declaration of indulgence, says, "The king, who was no good Christian in his actions, but a catholic in his heart, did all that could be expected from his easy temper to maintain the common liberty, that the catholic church might have a share in it."—SPES ALTERA ROMÆ, was found inscribed under the statue of the duke of York.

Projects of
the Cabal.

ance: When money was thus obtained, the mask was thrown off, and military preparations were openly made. But, in order to secure an additional supply, as nothing farther could be expected from parliament, an infamous resolution, by the advice of Clifford, was taken, previous to a declaration of war, to shut up the royal exchequer; by which means, the vast sums advanced by the bankers upon the credit of the funds provided by parliament were forcibly sequestrated. The distress, consternation, and ruin, consequent on this enormous violation of public faith, did not prevent the court from taking another step, if possible, still more alarming, and fraught with still more extensive consequences. This was the famous declaration of indulgence, by which the king took upon him, by virtue of his prerogative, to suspend all the penal laws at once. The lord keeper, sir Orlando Bridgeman, who had put the seal to the declaration of indulgence, was soon after permitted to retire upon account of his advanced age and infirmities, and Shaftesbury advanced to the dignity of chancellor.

Second
Dutch War.

The design of introducing popery was now apparent to every one; and the actual declaration of war against the Dutch, which quickly followed, raised the indignation and apprehensions of the nation to the highest pitch. The successful cam-

paign of 1672, in which the United States were reduced to the brink of ruin by the arms of Lewis XIV., encouraged the king, after an interval of near two years, to assemble the parliament ; and the session was opened by a speech from the throne expressed in a very high tone of authority. He spake of the war as not only just, but necessary ; and as what he was fully determined to prosecute. And he informed the house, that he had issued a declaration of indulgence, from which he had experienced very happy effects, to which he should therefore adhere, and the validity of which he would not suffer to be questioned or opposed. Notwithstanding the courtly disposition of which this house of commons had given so many proofs, and their former base and criminal compliances, it must be acknowledged, that upon this great occasion, which involved in it the most essential interests of the whole community, they acted in a manner worthy of the representatives of a free and spirited people. They first passed a resolution of supply : but before they proceeded to substantiate the vote, they framed a remonstrance against the declaration of indulgence ; to which the king replied in resolute terms. The commons repeated their application, or rather demand, in a firm and decisive tone ; and when matters were thus brought to a crisis, Charles, who found himself on the edge of a pre-

1672.
Second Declaration of Indulgence.

cipice, and whose genius was not calculated for great and continued exertion, thought proper on a sudden to retreat. After asking, to save appearances, the opinion of the house of peers, which of course coincided with that of the commons, he sent for the declaration, and with his own hand broke the seal; acknowledging to the whole world by this act, that his want of courage bore a very exact proportion to his want of wisdom and want of honesty.

Shaftesbury joins the Opposition.

Shaftesbury, whose ultimate aims differed widely, as there is reason to believe, from those of the rest of the cabal, had, on the first discussion of this subject in the house of peers, given a very decided opinion, in opposition to the lord treasurer Clifford, for the recal of the declaration; without any previous notice of his intention, and to the amazement of the court, enlarging in a very eloquent speech upon the impropriety and danger of resisting the sense of the legislature upon a point of this nature, however laudable in itself, or however it might be sanctioned by the sentiments of eminent individuals or the precedents of former reigns; the suspending power being still an acknowledged, though irregular, branch of the prerogative. Such were the transcendent abilities of this nobleman, and such also the ideas entertained of his genuine sentiments and political rectitude of system, notwith-

standing his late external compliances, that he was received by the leaders of the opposition with open arms, and from that period became the **AHITOPHEL** of all their counsels.

The house of commons pursued the victory they had gained with great moderation: they even appeared desirous to avoid urging the king to desperate extremities. No mention was made of the violation of the triple alliance, or of the shutting up the exchequer. An act of indemnity was passed, with a view chiefly to screen the ministers of the crown from any further enquiry, and the resolution of supply, to the great disappointment of the Dutch, passed into a law; in return for which, the king gave the royal assent to the famous **TEST ACT**, which required every man holding a public office to receive the sacrament according to the usage of the established church, and to abjure the doctrine of transubstantiation. This was a vigorous and well-aimed stroke, and as the duke of York, who resigned his commission of high admiral, with tears declared, the most fatal blow that the Roman-catholic interest could have received. Soon after the treasurer's staff was taken from Clifford (who had become extremely obnoxious by the intemperate zeal with which he had supported the declaration of indulgence, and who was now incapacitated by the test), and given to sir Thomas

Test Act
passed, 1672

Osborne, created earl of Danby; a man not of splendid talents, but cautious and prudent, and who in the present situation of affairs seemed not ill-qualified to fill that important station.

Spirited
conduct of
the Com-
mons.

In the month of October 1673, the parliament was again convened, but a more refractory spirit began now to appear. The commons were highly offended with the treaty of marriage then in agitation between the duke of York and a princess of the house of Modena, and remonstrated warmly against it. They voted the alliance with France to be a grievance, and came to a resolution that they would grant no farther supply, unless the Dutch obstinately refused to treat of peace. Upon which the king, who had relinquished those magnificent projects which he had so lately entertained, thought proper to conclude a separate peace with Holland, through the mediation of the Spanish court, in the beginning of the year 1674. Great rejoicings were made on account of this peace; and it was hoped that the king, convinced of his past errors, would endeavour to retrieve the esteem and affection of his subjects by his future conduct. To confirm these favorable impressions, sir William Temple, who had negotiated the triple alliance, and who stood higher than any man in the confidence of the States, was again appointed ambassador at the Hague: the mediation of the king was so-

1674.
Peace with
Holland.

lemnly offered in order to effect a general peace, and Nimeguen fixed on as the place of congress. As the continuance of the war could no longer answer any political purpose, the king may reasonably be supposed sincere, if not zealous, in his endeavours to restore the tranquillity of Europe. Lewis, also, whose schemes of ambition by the defection of England were totally frustrated, and who now found himself engaged alone against a formidable confederacy, though his armies still maintained a superiority in the field, was not averse to a treaty. But the prince of Orange, strengthened by the alliance of the Imperial and Spanish courts, and hoping for the accession of England, was secretly disinclined to listen to overtures of reconciliation; and aspired to the glory of humbling the pride of that haughty monarch, whom he regarded with detestation, not merely as the unprovoked invader of his native country, but as the common enemy and disturber of Europe. The French army, however, under the conduct of those consummate generals, Condé, Turenne, and Luxembourg, still continued to make a rapid progress: and the parliament, finding the mediation of Charles not attended with success, in the session held February 1677, after a long interval, during which it appears that large sums were remitted from France, voted an address to the king to enter into

a league offensive and defensive with the States-General. The king affected to resent this interference, as an encroachment upon his prerogative, and, in anger, immediately adjourned the parliament. The fact was, that he had actually sold his neutrality to France; and that he had regularly received a pension from that court to the amount of two millions of livres, as the price of his honor and conscience.

Insidious
Policy of
the Court.

Throughout his whole reign, however, it was contrary to the maxims of policy by which Charles was governed, to risque a serious or violent rupture with the parliament; and he was convinced that some popular measure was absolutely requisite in the present circumstances, to palliate his conduct, and in some degree to redeem his reputation; and no measure could more effectually answer those purposes, than the marriage of the princess Mary, eldest daughter to the duke of York, to the Prince of Orange; who, by this alliance, might be led to entertain no very distant prospect of succeeding to the English crown. When this intention was made public, the highest degree of satisfaction was expressed by all parties: and the prince arriving in England at the end of the campaign, the marriage-ceremony was performed, to the great surprise and chagrin of the French monarch; who received the intelligence, to use the expression of Montague the

English ambassador, "as he would have done that of the loss of an army." The good consequences expected from this union did not, however, immediately appear. The king indeed pretended to enter into an amicable consultation with the prince respecting the terms of the treaty of peace; which were at last settled in such a manner as to give satisfaction to the allies. And Charles protested, that if the plan then concerted was rejected by Louis, he would immediately join the confederacy. After the prince's departure, however, he resumed his clandestine negotiations with France, and made great concessions and abatements in the terms originally projected; for which he received pecuniary compensations from Lewis. And though Charles, finding that he incurred the indignation and contempt of all parties by the base duplicity of his conduct, seemed at length resolved in earnest to adopt vigorous and decisive measures, the parliament appeared no longer disposed to confide in his professions; and the allies, despairing of effectual support from England, signed a peace with France, at Nimeguen, in August 1678.

1678.

It appears from late discoveries, that the patriotic party in the house of commons, led by Sydney, Russel, &c. were secretly averse to engage the nation in a war with France, notwithstanding the apparent incongruity of their public

Secret Intrigues of the Patriots.

conduct: and in this they concurred with a great majority of the wisest and most dispassionate members of the United States, though not with the sentiments of the stadtholder; by whose authority and influence alone the war, without any adequate political necessity, had been so long continued. The leaders of the opposition in parliament well knew that no real danger was now to be apprehended from France. The king had it in his power to dictate the terms of the treaty of peace; and they with good reason entertained the strongest jealousies and suspicions, that the immense sums which must be voted, and the vast armaments which must be raised, in order to carry on a war against France, might eventually be directed against the religion and liberties of this kingdom. They were fully acquainted with the deep and dangerous designs which the king had formerly harboured against his subjects, and which want of power, and not want of inclination, had at length compelled him to abandon. The court of France, for very different but very obvious reasons, was equally solicitous to prevent the king from joining the confederacy; in consequence of which accidental union of interests, intrigues were carried on between the French ambassador and the members of opposition; and great sums of French gold were distributed, with the approbation or passive con-

currence at least, of even such men as Russel, Sydney, and Hollis, in order to accomplish a great political purpose, which, unhappily, was not to be effected by more open and honorable means. Men of virtue and integrity, who hold the noiseless tenor of their way through the cool sequestered veil of private life, will be incited by the purest motives to feel and express a far greater degree of indignation at these irregular practices, than the nature of the facts, weighed with their attendant circumstances in the impartial scale of reason, will justify. The sublime theories of visionary speculatists but too often ill accord with the humbler lessons of practical wisdom. *Fiat justitia ruat cælum*, is with such men a fundamental maxim of political morality. They consider not that virtue is itself founded upon utility, or, in other words, its tendency to promote the general good. The end is not to be ultimately sacrificed to the means; and when the public safety is the end in view, an object of such transcendent importance will certainly justify the adoption of such means as are really and indispensably necessary to its attainment. There exists not any principle of human action, however just or important, nor, on the other hand, is it possible to imagine any, even the most necessary deviation from such principle, which may not be perverted and abused in the application.

But the rule and the exception both rest upon the same basis, and aim at the accomplishment of the same object, *the good of mankind*. The politician versed in the great volumes of human nature and human life, and who is solicitous to render real service to his country and to the world, will and *must* suffer his conduct to be guided and influenced by circumstances; regarding with a watchful and steady eye the ever-varying combinations of events. "Civil knowledge," says lord Bacon, "is conversant about a subject which above all others is most immersed in matter, and hardest reduced to axioms." Had the nation fallen again under the yoke of popery and arbitrary power, in consequence of those refinements of delicacy, or scruples of conscience, by which, now the danger is past, many are ready to affirm that the patriots of the last century ought to have been actuated, Russel and Sydney, Lyttelton and Hollis, might have a just claim to regard and esteem, as honest and well-meaning men: but posterity would have had little reason to applaud their sagacity as statesmen, or to venerate their memory as enlightened patriots.*

* "Lord Russel presses that it may be made known to the party," says M. Barillon, in his dispatches to Louis XIV. "that your Majesty has no connexion with the king of England to oppress them; but that you will not suffer him, under the pretence of an imaginary war, to find means to bring them into

ENGLAND, after the conclusion of the peace of Nimeguen, remained in a state of extreme dissatisfaction and uneasiness. The honor as well as the interest of the nation was thought to be sacrificed. It was evident that France had obtained much more advantageous terms than she was entitled to expect. The king was universally acknowledged to be the arbiter of the peace; and he had justly incurred the imputation of having been bribed to betray the interests of the confederates. Of Charles's predilection for popery, also, doubts could no longer be entertained: and though the king's natural good sense, as well as his want of political firmness, had prevented him, and would probably continue to prevent him, from urging matters to any desperate extremity himself, the attention of people began now to be fixed on his immediate successor, whose

State of the
Nation.

subjection." And again, " Lord Russel and lord Hollis were pleased, that the king of France is convinced it is not his interest to make the king of England absolute master in his kingdom." Algernon Sydney was neither at this time in parliament, or held any office under government: and the probability, nay, the historic certainty, is, that in his present state of embarrassment and indigence, he was induced to accept, though certainly with no dishonorable design, of considerable pecuniary assistance from Barillon. That this celebrated patriot was a man of lofty and heroic virtue, there exist incontestable proofs; but to ascribe to him, or to any one, an ideal perfection not to be found in human nature, is to convert the pages of history into a species of sentimental romance.

Popish
Plot.

bigoted attachment to the Romish religion became every day more apparent, whose temper was known to be extremely violent, whose capacity was proportionably narrow, and whose obstinacy was systematic and invincible. At this critical juncture an incident happened, in itself important, but much more so in its consequences, attended by very extraordinary circumstances, some of them of a very dark and mysterious nature, and which time has not enabled the most sagacious historians completely to elucidate. In the month of August 1678, the king walking, as his custom was, in the Mall, was addressed by a stranger, who informed him that a plot was concerted against his life. Upon being referred to lord Danby for examination, he introduced to that minister various other persons, amongst whom was the famous Titus Oates, who all agreed in the reality of the plot, not only to murder the king, but to extirpate the protestant religion: after which they pretended the crown was to be offered to the duke of York, who was to receive it as a gift from the pope. To this evidence was appended a prodigious variety of incoherent and incredible circumstances. When the witnesses were farther examined before the privy council, several persons of very high rank were accused; and Coleman, secretary to the duke of York, was expressly affirmed to be in the whole secret of

the conspiracy. When the papers of Coleman, however, were seized, nothing more appeared than a fiery and intemperate zeal for the restoration of the catholic religion and the extirpation of heresy, and some sanguine expressions of hope that a favorable opportunity would shortly present itself for the accomplishment of these glorious purposes. This certainly was far from amounting to the discovery of a plot—and men were at a loss what to think of the testimony of these informers, who were persons of extreme profligacy of character, when the murder of sir Edmund-bury Godfrey, a popular magistrate by whom the depositions had been taken, threw the whole nation into a paroxysm of rage and consternation. He was found at a considerable distance from his own habitation, with evident marks of violence about his person, and his own sword thrust through his body. It was immediately concluded that he was assassinated by the papists, and the reality of the plot was no longer doubted. During the height of this political ferment, the parliament assembled, and almost instantly passed a vote, “ That a damnable and hellish popish plot was actually carrying on for assassinating the king, subverting the government, and rooting out the protestant religion:” and the lords Powis, Arundel, Stafford, Petre, and Bellasis, were, upon the evidence of Oates, &c. committed

to the Tower, and soon afterwards impeached for high treason.

Impeachment of the Lord Treasurer Danby.

Whilst the house of commons was deeply engaged in the prosecution of this business, of which lord Danby himself, contrary to the king's inclination, had promoted a parliamentary investigation, a discovery was made which put a sudden termination to the credit and authority of that nobleman. During the pendency of the negotiations in the year 1677, the lord treasurer was privy to, and in some measure concerned in, the scandalous concessions made by the king to the prejudice of the allies, and the consequent equivalents in money received from the French court. It is true that nobleman always expressed his dislike of these proceedings, which were chiefly carried on by the intervention of Montague the English ambassador, a man of address, whose principles were never found at variance with his interest. This man aspired to the office of secretary of state, which sir William Coventry was willing to resign in his favour for the sum of ten thousand pounds. Montague applied in very humble and adulatory terms to the lord treasurer, to prevail upon the king to ratify this corrupt pecuniary bargain. But finding that sir William Temple, by the recommendation of lord Danby, was nominated to that office, he left Paris with great precipitation, and, to the confusion and

astonishment of the minister, exhibited a charge of corruption against him in the house of commons, although he had himself been far more deeply concerned in those very transactions upon which the accusation was grounded. The house of commons, inflamed with this intelligence, immediately voted an impeachment for high treason against the treasurer. The peers however refused to commit Danby upon a charge of treason so weakly founded. The commons persisted in their demand; and, great contests being likely to arise upon this point, the king, who plainly perceived that this house of commons, formerly so submissive and loyal, was no longer to be either cajoled or overawed, thought proper first to prorogue and soon after to dissolve the parliament, which had now sat almost eighteen years.

The new parliament, which met in March following, 1679, soon displayed a spirit of jealousy and opposition to the court, at least equal to their predecessors. The impeachment of Danby was revived; but the king had previously granted him a pardon under the great seal, which he affixed to it with his own hands. But the commons affirmed, that no pardon could be pleaded in bar of impeachment: and Danby, who had absconded, but who chose to make his appearance rather than to incur the penalties of a bill of attainder, was immediately committed to the

1679.
New Par-
liament.

Tower. The house proceeded with equal violence in the prosecution of the pretended popish plot, the existence of which still depended upon the testimony of the infamous Oates and his vile colleagues and accomplices. The vote of the former parliament was renewed; and colonel Sackville was expelled the house, for presuming somewhat indiscreetly to call in question its reality. Even the courts of justice upon this occasion became the mere instruments of parliamentary and popular vengeance; nor did the nation awaken from its delirium till the scaffold had streamed with the blood of various persons of high distinction, and great numbers of inferior rank, both clergy and laity, had fallen a sacrifice to this egregious imposture; the passions of amazement and horror making that evidence appear credible, which would at any other time have been rejected as an insult to common sense.

**Bill of Ex-
clusion.**

But though it must be acknowledged that nothing was discovered, after the most indefatigable investigation of this affair, which could possibly be construed into a plot or conspiracy, by any mind not distempered with the rage of faction, yet the parliament as well as the nation had sufficient grounds to apprehend, that in the event of the king's decease the most vigorous attempts would be used by his successor to re-esta-

blish the Romish religion in these realms, with its natural, and in this case its inseparable concomitant, arbitrary power. It was therefore with the highest degree of public approbation that the house of commons came to an unanimous vote, " That the duke of York's being a papist, and the hopes of his succeeding to the crown, had given the highest countenance to the present designs of the papists against the king and the protestant religion." This was regarded, and it was unquestionably intended, as the prelude to a bill for excluding him from the throne. Charles, who held his brother's understanding in just contempt, and who had little affection to his person, was however fully determined, and he adhered to his determination with a degree of firmness of which he was thought wholly incapable, never to give his assent to a measure which appeared to him in the highest degree violent and unjust. Previous to the introduction of this famous bill, therefore, he proposed to the parliament, in a very gracious and conciliatory speech, a plan of limitations which would have effectually secured the religion and liberties of the nation; and at the same time declared, that if any thing farther could be devised by the wisdom of parliament, as an additional satisfaction, without defeating the right of succession, he was ready to consent to it. Upon the ground of that fundamental

maxim of true policy, which directs us to aim not at that which is best in itself, but at the best of those alternatives which are practicable, limitation and not exclusion ought to have been the object of parliament; though it must be confessed that the king had given so many proofs of the flexibility of his temper in the course of his reign, and of his extreme reluctance to risque a total rupture with parliament, that there was great reason to believe he might ultimately be induced to concur in the rigorous and popular plan of exclusion.

Habeas-
Corpus Act
passed.

Possessed with these ideas, the house of commons rejected with disdain the compromise offered by the king, and without any delay passed the bill of exclusion by a large majority of votes; though by a clause of it the duke was declared guilty of high treason, if after the decease of the king he appeared within the limits of the British dominions. In the vain hope of mollifying the untoward disposition of the commons, the king at this period passed the memorable habeas-corpus act; though the duke of York affirmed to him, that with such a law in being no government could subsist. Finding however that no impression was to be made by any act of grace or condescension, he took a sudden resolution to dissolve the parliament; and writs were at the same time issued for a new parliament, which

nevertheless did not meet till the succeeding summer. In the interim, Shaftesbury, now the oracle of the opposition, attended by Russel, Cavendish, Grey, and many other persons of the first distinction, publicly appeared in Westminster-hall, and presented the duke of York to the grand jury of Middlesex as a popish recusant. This unprecedented act of audacity was intended by the popular party to convince the court, as well as the world, that they were firmly resolved never to listen to any terms of accommodation with the duke, and that his exclusion from the throne was a point which at all hazards they were determined to insist upon.

At length, in October 1680, the parliament was convened ; and the session was opened with a very judicious, animated, and even affectionate speech from the throne. At this period, if at any time, Charles was sincerely desirous of living upon terms of mutual confidence and harmony with his subjects : his own excellent understanding could not but suggest to him, that the numerous difficulties and embarrassments in which he had been involved, had arisen almost entirely from his own misconduct. His love of ease, and the advanced age to which he had now attained, were strong inducements to him to avoid those measures which had a tendency to inflame the parliament or to disgust the nation : and since

Duke of
York pre-
sented as a
Popish Re-
cusant.

1680.
New Par-
liament.

the alliance with the prince of Orange he was less inclined to a close connection with Louis, whose conduct for a certain period immediately preceding the peace of Nimeguen, he had deemed, after all the obloquy he had incurred upon his account, highly ungrateful and injurious, and of which he still retained a deep resentment. In this speech, truly worthy of a British monarch, he again informed the parliament, that he was willing to concur in any expedient for the security of the protestant religion, provided the succession were preserved in the due and legal course. After stating his pecuniary wants, for which he trusted parliament would provide, he added,—“ But that which I value above all the treasure in the world, is a perfect union among ourselves. All Europe have their eyes upon this assembly: if any unseasonable disputes do happen, the world will see that it is no fault of mine. I have done all that it was possible for me to do, to keep you in peace while I live, and to leave you so when I die. But from so great prudence and good affection as yours I can fear nothing of the kind, but do rely upon you all, that you will do your best endeavours to bring this parliament to a good and happy conclusion.”

The mildness and moderation of the king were not however attended by any sensible or salutary effects. In a few days the bill of exclusion was

Bill of exclusion revived.

again introduced, passed by a great majority, and carried up to the lords ; who, influenced chiefly by the eloquence of the marquis of Halifax, after vehement debates, at length determined to reject it. The commons immediately voted an address for the removal of that nobleman from his majesty's councils and presence for ever. And this address was soon after followed by another in the highest degree inflammatory, in which all the abuses of government which had been the subject of complaint almost from the beginning of the king's reign were insisted upon ; and " the damnable and hellish popish plot " is openly ascribed to that party under whose influence all the measures of government originated. They likewise voted, " that whoever advised his majesty to refuse the exclusion bill were enemies to the king and kingdom, and that, till this bill were passed, they could not, consistently with the trust reposed in them, grant the king any manner of supply."

No farther hopes remaining of bringing the commons to any better temper, the king dissolved the parliament in January 1681. But, desirous of making one more effort to effect a reconciliation with his people, he summoned another parliament to meet at Oxford in March. In his speech at the opening of it, he told them in a tone of seriousness and dignity, that, " though he

1681.

Oxford
Parlia-
ment.

had reason to complain of the unwarrantable proceedings of the former house of commons, no past irregularities could inspire him with a prejudice against those assemblies. He now afforded them yet another opportunity of providing for the public safety ; and to all the world he had given one evidence more, that on his part he had not neglected the duty incumbent on him." Such however was the infatuation of the house of commons, that though the ministers of the crown proposed, by command of the king, that the duke should be banished during life five hundred miles from England ; and that, on the king's demise, the next heir should be appointed regent with kingly power, they deemed no expedient but the absolute exclusion of the duke worthy of attention. The patience and moderation of the king, which had stood a very severe trial, now seemed at last to forsake him ; and, before the commons had time to pass a single bill, he suddenly and unexpectedly dissolved the parliament, with a full resolution not to summon another till the spirit and temper of the times had undergone an essential alteration.

Triumph of
the Court.

The popular party were struck with consternation at this vigorous procedure ; and the nation disgusted with the obstinacy of their representatives, and pleased with the great concessions made by the king, joined in applauding the

firmness and **spirit** with which he acted on this occasion. The desperate measures afterwards resorted to by the patriots, the fatal catastrophe which ensued, and the tragical end of Sydney, Russel, Essex, and others of the party, too plainly evinced the imprudence and indiscretion of their preceding conduct; which indeed affords a memorable lesson to posterity, how solicitous men ought to be, who have great and laudable ends in view, to adopt rational and practicable methods of effecting them.

The despotism exercised by Charles from this period was scarcely inferior to that of Henry VIII.; though it is certain, that, pressed by pecuniary difficulties, and living in the continual dread of another revolution, his gaiety of spirit forsook him, and he became silent, absent, and melancholy. It is generally believed, and with good reason, that he was meditating a change of measures, and that he had it in contemplation very shortly to summon another parliament, from which very happy consequences would probably have resulted, when he was suddenly seized with a fit of apoplexy, and died February 6th, 1685, in the 55th year of his age and 25th of his reign. Some remarkable circumstances attending his death occasioned a suspicion of poison; but there does not appear sufficient evidence for an accusation of this atrocious nature. The whole tenor of

1685.
Death of
the King.

his actions and policy prove that this monarch, whose superiority of understanding and quickness of penetration were no less conspicuous than his total want of virtue and of principle, might, with more propriety than almost any man, declare that he always discerned the things that were right, though he uniformly adopted those which were wrong*.

Accession
of James II.

It is extremely remarkable, and it may perhaps by some be considered as a characteristic *trait* of that caprice so frequently ascribed to the English nation, that, notwithstanding the vehement and furious efforts which had been so recently made to effect the absolute exclusion of the duke of York from the throne, his accession to the crown was not attended with any public marks of disgust or dissatisfaction. The storm had spent its rage, and was succeeded by a dead and settled calm. This must not, however, be attributed to any radical change in the public opinion respecting the eligibility of this exclusion in itself considered, but to a general dread of the alarming consequences which must have resulted from persisting in the prosecution of a project, in which it was apparent that the king would never be induced to acquiesce. And though the sudden death of Charles prevented that monarch from exe-

* ———Video meliora proboque,
Deteriora sequor.

cuting his intention of convening a parliament, in which such restrictions would doubtless have been imposed upon the successor as the political situation of the kingdom would have been thought, on a cool and impartial re-consideration of the subject, to require ; yet it was hoped that the understanding and experience of the new king would suggest to him the propriety, or rather the necessity, of regulating his conduct in such a manner as to convince the people that their religion and liberties were not endangered under his government. And reflecting men, who always resort with reluctance to violent and desperate remedies, clearly saw that no serious attempt could be made upon either, but with the most imminent hazard to the king's authority, not to say his safety. James II. was now far advanced in life ; the season of rashness and temerity, it might be reasonably presumed, was past ; and he would deem himself, as people fondly imagined, happy by a mild and popular administration to secure the quiet and peaceable enjoyment of a crown which had once been so nearly wrested from him : and after a reign, probably of no very long duration, a bright and glorious prospect again opened to their view in the accession of the prince and princess of Orange. The event, however, proved how delusive were these hopes ; and how justly founded the apprehen-

sions of those who were but too well apprised of the bigotry, the enthusiasm, the blind and deplorable obstinacy of this infatuated monarch.

The first act of James's reign, however, seemed not ill calculated to confirm the prepossession which the public were but too ready to encourage in his favor. In his declaration to the privy council, which assembled immediately on the death of the late king, he professed his resolution to maintain the established government both in church and state ; and he affirmed, that, though he had been reported to have imbibed arbitrary principles, he knew the laws of England were sufficient to make him as great a monarch as he could wish, and he was determined never to depart from them. Numerous addresses from all parts of the kingdom were presented to the new monarch, couched for the most part in terms of the grossest adulation ; which no doubt greatly contributed to lull him into that fatal security which was the cause and the fore-runner of his ruin. Though the royal declaration was highly extolled by the partisans of the court, and indeed by the generality of the people, who pleased themselves with boasting " that they had now the word of a king to rely upon," yet they had very early proof how weak and fallacious was this ground of dependence. For, in open defiance of the law agreeably to which the greater part of the

Arbitrary
measures of
the Court.

duties of custom and excise granted to the king expired at his demise, James issued a proclamation within a few days subsequent to this declaration, commanding those duties to be paid as before. And the second Sunday after his accession, he went openly, with all the *insignia* of royalty, to mass, to the indignation of most men and the amazement of all.

One Caryl also was dispatched to Rome in the capacity of agent, in order to make submissions to the pope in the king's name, and to pave the way for the re-admission of England into the bosom of the catholic church. But these expressions of duty and obedience to the Holy See were not received with much eagerness or satisfaction. This, however, will not excite our wonder, when we recollect the general state of politics in Europe at this period. The grandeur of Louis XIV. had now attained its highest point of elevation. Since the conclusion of the treaty of Nimeguen, the pride and insolence of that monarch knew no bounds; and the nations of Europe were concerting measures to reduce the exorbitant power of France within its proper limits. The accession of England to this confederacy was the object of general and eager desire; and as James was believed to be actuated by a higher sense of national honor and interest than the late king, and by that jealousy of the power

Embassy to
Rome.

of France which was naturally to be expected from a king of England, nothing could be more unseasonable, or more opposite to the political views of the principal courts of Europe at this juncture, than a serious intention in James to re-establish the catholic religion in his dominions ; which would inevitably by the means of involving him in domestic contentions of the most alarming kind, and which would not only effectually preclude every idea of his becoming a party in the grand confederacy now actually forming, but ultimately reduce him, perhaps, to the necessity of throwing himself into the arms of France, by whose assistance alone these dangerous projects could ever be carried into execution. The reigning pontiff, Innocent XI. was, in consequence of a recent quarrel, inflamed with animosity against Louis, and devotedly attached to the interests of the house of Austria. And being, moreover, a man of sense and temper, he plainly perceived that the king was not only pursuing measures manifestly incompatible with the political sentiments which he affected to embrace, but which would probably terminate in the ruin of himself and of the religion to which he was so passionately devoted. He counselled him, therefore, to regulate his zeal by the rules of prudence and discretion, and to endeavour, by mildness and moderation, insensibly to effect what force and violence would

attempt in vain. Ronquillo, the Spanish ambassador in England, also inculcated the same lessons of wisdom ; which were entirely disregarded by James, who was under the absolute government of the priests by whom he was surrounded, and who were continually urging the necessity of adopting vigorous and decisive measures, in order to accomplish the great work of national conversion during the lifetime of the king, as their labors would otherwise be rendered wholly ineffectual. The general disposition of the people, which was at this time patiently, or rather stupidly, passive, encouraged the king to venture upon measures, which his long experience of the English nation, if he had been a man capable of reflection, must have convinced him would sooner or later arouse that dormant but unconquerable spirit of resistance to regal tyranny, which had for many centuries distinguished the inhabitants of this island.

In the month of May 1685 the parliament was convened ; and so low was the credit of the whigs and exclusionists now fallen, and such the success of the measures employed by the court to influence or intimidate the electors throughout the kingdom, that the king declared, upon inspecting the returns, that there were not above forty members chosen but such as he himself wished for. It is superfluous to add, that the

1685
Meeting of
Parliament

Abject
Complai-
sance of the
Commons.

religion and liberties of the nation were never exposed to more imminent danger, than under the government of such a king, and the guardian care of such a parliament. Scarcely had they met than they addressed the king, to cause the penal laws to be put in strict execution against the dissenters; in consequence of which, persecution revived with greater fury than before, and it was manifest that the king, who had reason to regard them as his most determined enemies, was no less zealous than the parliament for their destruction*. By not only settling upon James for life the revenue which determined at the decease of the late monarch, but by new grants, which raised the entire receipt of the exchequer to the annual sum of two millions, they virtually passed a law rendering parliaments in future wholly useless. For this revenue, with prudence

* Amongst many others, the venerable Baxter, at 70 years of age, was committed to the King's-bench prison; and being brought to his trial before the infamous Jeffries, was convicted, and sentenced to pay 500 marks, which being unable to discharge he remained in imprisonment till a total change of measures took place, two years afterwards. Having moved by his counsel, previous to the trial, for further time, Jeffries declared, "that he would not allow him a minute's time to save his life. . . . I know thou hast a mighty party," said this profligate magistrate, "and I see a great many of the brotherhood in corners, waiting to see what will become of their mighty don; but, by the grace of God, I will crush you all."

NEAL'S *History of the Puritans*, vol. iv. chap. 11.

INTRODUCTION.

and economy, was fully equal to the ordinary exigencies of government; and James was now at liberty to prosecute his schemes free from the apprehension of parliamentary check or control. The speaker of the house of commons, however, on presenting the money-bills, ventured to inform the king, "that on giving his majesty this signal proof of their loyalty and affection, they shewed how entirely they relied upon his majesty's royal word and repeated declarations to support the protestant religion as professed by the church of England, which was dearer to them than their lives:"—a manifest and decisive proof of that national abhorrence of popery, arising almost to phrensy, which could influence this assembly, in other respects so obsequious and abject, to express their feeling in language so bold and energetic. The king received this compliment in rude and ungracious silence. To compensate for a freedom so unwelcome, a bill was introduced into the house of commons, by which any thing said to disparage the king's person and government was made treason. This dangerous bill was very ably and strongly opposed by Serjeant Maynard, one of the few whigs sitting in this parliament, who displayed in striking colors the fatal consequences which would result from any deviation from the famous statute of Edward III. by which an overt act was made the necessary and indispensable

proof of treasonable intentions. "If words alone could by any construction of the law be converted into treason, he affirmed that no man's life, or liberty, or property, could be secure. Words were so liable to be misunderstood and misrepresented, and, by a very small variation, might be made to convey a sense so contrary to what was intended, that a law like this, which seemed expressly calculated for an instrument of tyranny, would be a virtual surrender of all our privileges into the hands of the sovereign." These arguments could not but make some impression upon the house, callous as it seemed to the feelings of honor, and regardless of the national interest or safety; and great debates ensued, which were suddenly interrupted by the intelligence of the duke of Monmouth's arrival in the west, with an hostile armament from Holland. The commons instantly voted an address, assuring the king of their resolution to adhere to him with their lives and fortunes; and after passing a bill of attainder against the duke, and granting a supply of 400,000*l.* for the suppression of this rebellion, they determined upon an adjournment.

Rebellion
of the Duke
of Mon-
mouth.

Immediately on the king's accession, the prince of Orange, knowing the inveterate animosity of James against the duke, who had for some time past resided at the Hague, thought it expedient to give him his dismissal. The duke retired to

Brussels ; but being pursued thither also by the unrelenting jealousy of James, he adopted a sudden and rash resolution to attempt an invasion of England, at a season in every respect unpropitious to such an enterprise. At his first landing at Lyme, in Dorsetshire, he counted scarcely a hundred followers ; but so great was his popularity, that in a few weeks he assembled with ease an army of several thousand men, and found himself in a condition to give battle to the king's forces, encamped under the command of the earl of Feversham at the village of Sedgemoor, near Battle of Sedgemoor, July 5, 1685. Bridgewater. Though his raw and undisciplined troops displayed surprising valor and intrepidity in the attack, they were at last overpowered by the superiority of numbers and of military skill. Monmouth himself was taken in the pursuit ; and though he implored the king's mercy—that mercy which he could never hope to obtain—with an earnestness and importunity by no means corresponding with the spirit and gallantry by which he had been formerly distinguished, he suffered death on the scaffold with calm resolution and constancy, professing to consider himself as a martyr for the people.

The fate of this amiable and accomplished nobleman cannot be contemplated without emotions of grief and compassion. Educated in the bosom of a corrupt and dissipated court, and

possessed of every exterior and personal advantage, he had imbibed just and noble sentiments respecting the nature and ends of government. His capacity, which was rather below than above the common level, did not qualify him for taking the lead in the opposition to the court during the latter years of the reign of Charles II.; but he zealously concurred in all the measures adopted by the patriots of that period, and in the obstinate and reiterated efforts to carry into effect the famous bill of exclusion: after which, as there is reason to believe, he flattered himself with the hope of obtaining an act of legitimation, which would pave his way to the crown. The king however constantly denied that any contract of marriage had taken place between Lucy Walters, mother of the duke, and himself. And this marriage, the report of which gained great credit amongst all ranks of people, and which was never contradicted by clear or demonstrative evidence, still remains involved in some obscurity. The duke was uncommonly handsome in his person, and engaging in his manners; and his disposition was naturally open, affable, and generous. He had acquired the affections of the people to a very high degree; and the king his father was perceived by the duke of York and his adherents, not without the utmost chagrin, to be still passionately fond of him, notwithstanding all his politi-

cal offences.* Monmouth, in his public manifesto, charged the king with the burning of the city of London, with the popish plot, the murder of Godfrey, the death of the earl of Essex, and even with the poisoning of the late king. These extravagances gave great offence to all moderate and reasonable persons; and the duke was joined by very few above the lowest rank and condition of life—the folly and temerity of this ill-concerted and ill-conducted attempt being too apparent.

The barbarity, however, as well as the number of the executions which ensued on the suppression of this rebellion, far exceeded any severities of the kind recorded in English history. The

*Barbarities
of Jeffries.*

* In the celebrated Memoirs of count Hamilton, the character of the Duke of Monmouth is thus delineated; ‘*Le duc de M. fils naturel de Charles II. parut en ce tems-là dans la cour du roi son père. Sa figure et les grâces extérieures de sa personne étoient telles que la nature n’a peut-être jamais rien formé de plus accompli. Son visage étoit tout charmant. C’étoit un visage d’homme, rien de fade, rien d’effeminé; cependant chaque trait avoit son agrément, et sa délicatesse particulière; une disposition merveilleuse pour toutes sortes d’exercices, un abord attrayant, un air de grandeur,—enfin, tous les avantages du corps parloient pour lui; mais son esprit ne disoit pas un petit mot en sa faveur. Il n’avoit de sentimens que ce qu’on lui en inspiroit; et ceux qui d’abord s’insinuerent dans sa familiarité prirent soin de ne lui en inspirer que de pernicieux. Il fit les plus chères délices du roi.*’

savage and infamous Jeffries was expressly selected by the king himself, at the ensuing assizes, as the judge best qualified to display the terrors and inflict the vengeance of the law upon the devoted inhabitants of the western counties. "After the defeat of Monmouth," says a late historian*, "juries were overborne, judgment was given with precipitation, and the laws themselves were opened trampled upon by a murderer in the robes of a lord chief justice." The king delighted to recount the exploits of what he affected to style "Jeffries's campaign," in which many hundreds suffered under the hands of the common executioner, after the mockery of a trial, in which the innocent and the guilty were almost indiscriminately involved in one common fate.

The earl of Argyle, who had, through the machinations of the duke of York, been convicted in the preceding reign of high treason, on the most frivolous, or, to speak more properly, the most villainous pretences—and who, on making his escape from the castle of Edinburgh, had since lived as an exile in Holland—attempted an invasion of Scotland in concert with Monmouth; and appeared, unsupported by any adequate force, in the Western Highlands, nearly at the same time that the duke landed in a state equally

* Granger, Biog. Hist. Eng.

destitute on the southern coast of England. This feeble attempt was suppressed with very little difficulty; and the earl, being taken, was executed, without any trial, on his former sentence. Execution
of Argyle Ayloff and Rumbold, who had been concerned in the Rye-house conspiracy, accompanied Argyle on this expedition, and suffered also with him the penalties of the law. They appear to have been men of upright intentions, and of undaunted resolution. The latter at his execution declared himself a friend to a monarchical rather than a republican form of government, but the determined enemy of tyranny in every form. Ayloff was conveyed to London, under the idea of his being able to make some important discoveries, and was examined by the king in person, who took great pains to extort a confession from him, though to very little purpose. Irritated by the sullen obstinacy of the prisoner, the king at length said, "Do you not know that it is in my power to punish, and in my power to pardon?" To which Ayloff replied, "I know it is in your power to pardon, but not in your nature." This magnanimous indiscretion only served to hasten the execution of his sentence.

So elated was the king with the continual flow of success which he had experienced from the commencement of his reign, that he seemed to think it scarcely necessary to keep up any ap-

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pearance of regard to his most public and solemn engagements. On the re-assembling of parliament in November (1685), he told the two houses without reserve, "That, having found the militia during the late disturbances of little use, he had levied an additional body of regular forces, for which he demanded an additional supply; and that he had dispensed with the test laws in favor of a great number of catholic officers employed by him, and of whose services he was determined not to be deprived." Openly insulted by this declaration, the house of commons began at length to exhibit some faint symptoms of political animation; and, after passing the vote of supply, they resolved upon presenting an humble address to the king against the dispensing power: to which the king replied in the most haughty and contemptuous terms—declaring, "that he expected no opposition, after having so positively made known his will upon that subject." This cowardly and servile assembly was thrown into consternation at this reply. It was followed by a long and profound silence: and when one of the members at last rose up and said, "that he hoped they were all Englishmen, and not to be frightened by a few hard words," the house voted that he should be committed to the Tower. On their next meeting, they proceeded to establish funds for the payment of the subsidy, and prepared to

pass a bill for indemnifying those who had incurred the penalties of the test. But so highly did the king resent this feeble show of opposition, that he immediately prorogued, and at length dissolved, the parliament. As it was impossible however that any parliament more devoted to the court could be chosen, it was universally understood that his intention was for the future to govern without parliaments. And all those who dared to avow themselves inimical to the repeal of the test laws, whatever were their merits in other respects, were dismissed from his service; amongst whom were the marquis of Halifax and the earl of Rochester, who for a time seemed to possess the highest share in the king's favor and confidence.

*Dissolution
of Parlia-
ment.*

Affairs were now chiefly committed to the management and direction of the earl of Sunderland, a nobleman of singular address and capacity, but wholly devoid of honor or of rectitude; bold, artful, insidious, and disposed or rather determined to go all lengths with the court, in order to compass the objects of his unprincipled and immeasurable ambition. As a parliamentary repeal of the test laws could not be obtained, it was thought necessary that the dispensing power of the crown should be established by a solemn judicial decision. For this purpose a domestic of sir Edward Hales, a distinguished catholic, who held a commission in the army, was directed to inform

*Character
of the Earl
of Sunder-
land.*

*King's dis-
pensing
Power con-
firmed by
the Judges,
1686.*

against his master for non-compliance with the test, and to claim the reward of 500*l.* given by law to the informer. Before this interesting cause came to a hearing, the judges were privately and separately tampered with, and divers of them dismissed who would not consent to recognise the legality of the dispensing power. Amongst these was the lord chief justice sir Thomas Jones, who, when the king declared that he was resolved to have twelve judges of his own opinion, boldly replied, "Twelve judges you possibly may find, sir, but hardly twelve lawyers." In favor of this most alarming and unconstitutional assumption of authority, it was argued by the court lawyers, "that the exercise of it was very ancient in England; and that the parliament itself had more than once acknowledged this prerogative of the crown. The great oracle of English law, sir Edward Coke himself, asserts, that no statute can impose such a disability of enjoying offices as the king may not dispense with; because the king from the law of nature has a right to the services of all his subjects. Nor can the dangerous consequences of granting dispensations be ever allowably pleaded before a court of judicature. Every prerogative of the crown admits of abuse. Should the king pardon all criminals, the whole frame of civil polity must be dissolved. Should he declare perpetual war against all nations, in-

evitable ruin must ensue. Yet these powers are equally intrusted to the sovereign ; and we must be satisfied, as our ancestors were, to depend upon his prudence and discretion in the exercise of them." Lord chief justice Herbert, who presided on this extraordinary occasion, assumed as certain and incontrovertible propositions, " that the laws were the king's laws ; that the king might dispense with his laws in case of necessity ; and that he was the sole judge of that necessity." To these accommodating and courtly doctrines it was indignantly answered, and to the entire approbation and conviction of the far greater part of the kingdom, " that it was false to say the dispensing power of the crown had ever been established by law—that in cases of real utility or necessity the exercise of that power had indeed long been submitted to—and that, in the turbulence of the Gothic and feudal ages, it formed a salutary though certainly an irregular branch of the royal prerogative. For, that the legislature did not even in those dark and barbarous times acknowledge the legality of this power, or at least of the unlimited exercise of it, appears from an act of parliament passed in the reign of king Richard II. which expressly granted to the king the power of dispensing with the statute of provisors for a limited time. The practice of ancient times was however in present circumstances of small importance,

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The constitution had, in the course of many successive reigns, been gradually altered and improved. The principles of government, and the great ends of government, were now much better understood than at any preceding period. The danger of admitting this extravagant claim of the crown had become fully apparent; and in the last reign it had been solemnly condemned by parliament, and virtually relinquished by the sovereign. Shall it now be revived, and passively submitted to, when the object in view clearly, and almost avowedly, is not to moderate the rigors of public justice, or to gratify the feelings of royal benignity, but to sap the foundation of that impregnable barrier which the wisdom of the legislature had erected for the protection of the religion and liberty of the state, and which bade defiance to the efforts of open violence? Let the language of the lawyers, and the precedents aduced by them, be what they may, it is preposterous and contrary to common sense to suppose that a law enacted for the express purpose of guarding against the designs of the crown can be dispensed with at the pleasure of the crown. In a word, the question, with every true Englishman, is not, what has been the practice of former times, in different situations and different circumstances; but, what the actual situation and present circumstances of the nation demand.

And who will be absurd and ridiculous enough to maintain that the guardians of their country, and the defenders of its religion and liberties, are bound to make a laborious research into musty parchments and antiquated precedents, in order to ascertain whether they may lawfully resist a claim, which, if once fully established, would supersede all law, and render all precedents useless?" In conclusion, eleven out of the twelve judges gave it as their decided opinion—Mr. justice Street the Abdiel of the bench alone dissenting, and persisting in his dissent—that the dispensing power was a legal and indefeasible branch of the royal prerogative: and the nation saw with amazement this new triumph of despotism.

In consequence of the general alarm now excited, and the refractory spirit displayed by the most zealous royalists, and even by the clergy of the establishment, relative to the test, the court affected to adopt a new language; and the wisdom, the justice, and the expediency of an universal toleration in religion became on a sudden the prevailing and favorite topics of discourse. This language was intended, as indeed it was well calculated, to gain the confidence and conciliate the affections of the protestant dissenters, by whose assistance the king was now eagerly desirous to accomplish that object to which the more obedient

and submissive sons of the church appeared so decidedly hostile. With this view, the corporations throughout the kingdom were entirely new-modelled; and the king's once zealous partisans, the high churchmen and anti-exclusionists, were discarded, in order to make room for his determined adversaries, the whigs and dissenters; and, for the most part, such as had most distinguished themselves by the violence of their animosity against him. The king was perpetually exclaiming with affected abhorrence against the oppressive proceedings of the late reign respecting the nonconformists, and reproaching the church with those acts of cruelty of which he was known to be himself the principal instigator. He ordered an inquiry to be made into all the vexatious suits by which the dissenters had been harassed in the ecclesiastical courts, and the illegal compositions extorted from them as the purchase of redemption from further persecution. At length he ventured to issue an absolute and plenary declaration of indulgence, including an entire suspension of all penal laws in matters of religion: and asserting the service of all his subjects to be due to him by the laws of nature, he pronounced them all equally capable of employments, and suppressed all oaths and tests that restrained or limited that capacity.

The dissenters had so long groaned under the

rod of spiritual and temporal tyranny, and their minds were so embittered against those whom they regarded as the authors of all their sufferings, that it cannot be thought very marvellous they should discover some symptoms of temporary satisfaction, or rather exultation, at this return of prosperity, not very consistent with that jealous regard and firm attachment to the principles of constitutional liberty which they had uniformly professed, and by which their conduct had been in general distinguished. To ingratiate himself further into their good opinion, the king, and the courtiers who were most in his confidence, talked much and loudly of the popular laws which were intended to be enacted in the approaching parliament, and of the additional securities by which the liberties of the subject would be guarded. In consequence of these artifices, numerous addresses were presented by the sectaries, containing very ample and indiscreet protestations of gratitude and loyalty.

But the more intelligent and respectable persons amongst them viewed these gross and palpable attempts to deceive with contempt and indignation. The king having signified to the new lord mayor of London, who was a professed dissenter, and appointed by royal mandamus to that office, that he was at liberty to use what form of worship he pleased in Guildhall chapel,

1686.
Affairs of
Scotland.

In the summer of 1686, the earl of Murray, a new convert to the catholic religion, was commissioned to hold a parliament at Edinburgh ; and the king by his royal letter recommended in very urgent terms the repeal of all penal laws and tests relative to religion. Though the object of the court was apparent to all, and though the Scottish bishops had been hitherto actuated by an unrelenting spirit of persecution, they exerted on this occasion all their eloquence to persuade the parliament to comply with the king's request, or rather demand : but nothing further could be obtained than a suspension of those laws during the lifetime of the king. This concession, though a very important one, was rejected with disdain by James, who dissolved the parliament in great wrath : and by the express command of the king, the archbishop of Glasgow and the bishop of Dunkeld, who had dared to oppose the motion of repeal, were deprived of their bishoprics ; for which no other motive was assigned but that such was the king's pleasure. That his boasted regard to the rights of toleration, and of private judgment in religion, was mere pretence, appeared perfectly manifest by the proclamation published at this time in Scotland, for " an entire liberty of conscience ;" in which, " by his sovereign authority, prerogative, royal and absolute power, which all his subjects were to obey without reserve," he restrained

those rights within the most contracted limits. Those styled in the proclamation the moderate presbyterians were allowed to meet in their private houses only; and it was declared to be his royal pleasure that field conventicles should be prosecuted according to the utmost rigor of the law: whereas the catholics were released altogether from the operation of statutes made in the reigns of king James I. and Mary queen of Scots, "of blessed and pious memory, without the lawful consent of the sovereign:" and they are pronounced to be as free in all respects as the protestant subjects of the king, not only to exercise their religion, but to enjoy all offices and *benefices*. So that popery was in effect established by virtue of this proclamation as the religion of the state; though the king thought fit, in conclusion, to declare "that it was not his intention to use force or *invincible necessity* against any man on account of his religious persuasion." The privy council of Scotland returned their thanks for this proclamation, as for some signal favor conferred upon the kingdom.* In Ireland, the earl of Clarendon was removed from the office of lord lieutenant,

Affairs of
Ireland.

* The English declaration, published at the same time, contained indeed loose and vague promises of protection and support to the Anglican church: but Dr. Cartwright, dean of Rippon, in a sermon preached by him at this crisis, took occasion to observe, "that the king's promises were free dona-

and the earl of Tyrconnel nominated as his successor; a most bigoted papist, and a man of such savage ferocity, that even the moderate catholics in England expressed great apprehension and uneasiness at this appointment. And lord Belasis, who succeeded the earl of Rochester in the treasury, did not hesitate to affirm with an oath "that Tyrconnel was fool and madman enough to ruin ten kingdoms." This man had, without deigning to seek any colorable pretext, cashiered all the protestant officers in the Irish army, and had put the catholics in entire possession of all the offices of government. He was preparing measures to pack a parliament, which should repeal the act of settlement, and empower the king to restore all the lands of Ireland to his catholic subjects. Rice, chief baron of the exchequer, in menacing terms declared "that he would drive a coach and six horses through the act of settlement:" and Fitton, a wretch convicted of the crime of forgery, and raised from a gaol to the dignity of chancellor of Ireland, and who was the principal adviser of Tyrconnel, as well as the chief instrument of his tyranny, scrupled not publicly to affirm

tives, and ought not to be too strictly examined or urged, and that they must leave his majesty to explain his own meaning in them." The king was so delighted with this gloss, that he rewarded the author with the bishopric of Chester.

Echard, vol. iii. p. 797.

from the bench, "that the protestants were all rogues, and that there was not one in forty thousand of them who was not a traitor and a villain." Affairs also in England began every day to wear a more serious and alarming aspect, and seemed manifestly hastening to a crisis.

By virtue of the royal supremacy, a new ecclesiastical court was established in direct opposition to the act of 1640, by which the former court of high commission had been abolished, and which expressly prohibited its revival in any form. This court, consisting of the archbishop of Canterbury, the bishops of Durham and Rochester (Crew and Sprat), the lord chancellor Jeffries, the lord treasurer Rochester, and the lord chief justice Herbert, was empowered to proceed discretely in a summary way in all ecclesiastical matters, any law or statute to the contrary notwithstanding. And they did not long wait for an opportunity of exercising their authority. Dr. Sharpe, rector of a parish in the diocese of London, and a very popular preacher of those times, ventured, in direct opposition to the royal injunction expressly prohibiting all controversial topics in the pulpit, to expose and confute the errors and absurdities of popery without reserve, in a sermon preached by him in his own parish church; and took occasion to speak in contemptuous language of those who were weak enough to embrace a re-

New Court
of Ecclesi-
astical
Commis-
sion.

Bishop of
London
suspended.

ligion supported by arguments so futile and frivolous. This was immediately reported at court, and represented as a personal reflection upon the king; and the earl of Sunderland sent an order to the bishop of London in the king's name, requiring him to suspend Sharpe immediately, and then to examine judicially into the truth of the allegation against him. The bishop replied, that he had no power to proceed in such a summary way; but if an examination were regularly brought into his court, he would inflict such censure as could be warranted by ecclesiastical law. In consequence of this refusal the bishop himself was cited before the commissioners, and suspended for contumacy and disobedience to the king's authority; and Jeffries, for his eminent services recently promoted to the great seal, treated this prelate with a rudeness and insolence which inflamed the minds of the public still more than the sentence itself. Even the princess of Orange, for presuming to intercede with the king in behalf of the bishop, who had long stood high in her esteem and favor, was severely reprimanded for interfering in affairs with which she had no concern.

1687.
Vice-Chan-
cellor of
Cambridge
ejected
from his
office.

As if the king had formed a determination to involve himself every day in some new difficulty, a royal mandate was sent to the university of Cambridge, requiring the degree of master of arts to be conferred on Father Francis, a Benedictine

monk. The university, plainly perceiving that by a compliance with this mandate a door would be opened for the admission of papists, who would soon become a majority of the senate, peremptorily refused to obey the king's order; and the vice-chancellor was summoned before the ecclesiastical commissioners to answer this contempt, and by sentence of the court was ejected from his office. The king also chose this opportunity to engage in a quarrel of a still more serious nature with the university of Oxford. That learned body had a few years before passed a solemn decree in full convocation, approving and confirming the doctrines of passive obedience and non-resistance in the most explicit terms. The time was now arrived to demonstrate the difference between the theory and practice of these absurd principles. The president of Magdalen college, one of the richest foundations in the university, dying at this juncture, a mandate was sent in favour of one Farmer, a papist, and a man in other respects by the statutes of the college ineligible to the office. The fellows of the college made submissive applications to the king to recall his mandate, But the king not deigning to notice them, they unanimously chose Dr. Hough, a man eminent both for virtue and ability, and who afterwards filled with distinguished reputation the see of Worcester. The new president and

President
and Fellows
of Magda-
len College
expelled.

fellows, being cited before the ecclesiastical commissioners for this contumacy, brought allegations against Farmer of such a nature, that the court did not deem it expedient to insist upon their nomination. But affirming that the college ought to have shown more respect to the king's letter than to proceed to an election in opposition to it, the commissioners took upon them to declare Hough's election null, and to put the house under suspension; and a new mandate was issued in favor of Parker, an abject tool of the court, and lately created bishop of Oxford. The college humbly represented, "that a president having been already legally chosen, it was not in their power to deprive him of his office, or to substitute any other in his place—that, even in case of a vacancy, Parker did not possess the statutable qualifications which by oath they were bound to observe; and, as their loyalty had been ever conspicuous, they entreated his majesty to believe that their present opposition to his royal will arose solely from their inability to conform to it." No impression however was made on the haughty and inflexible disposition of the king by these arguments; and, in a visit which he made to the university not long afterwards, he sent for the president and fellows to attend him in person, and in high and menacing language commanded them without further excuse or delay to choose

Parker for their president. As the college still refused to degrade themselves by compliance, the new president was at length ejected by actual violence. The doors of his house were broken open, and Parker, by a forcible seizure, put into possession. The fellows, excepting two who were base enough to submit, were likewise deprived of their fellowships, which were without any process of law bestowed upon men entirely devoted to the king's will and pleasure ; and who, on the sudden death of Parker, choose one Gifford, a doctor of the Sorbonne, as their president, who was also nominated to the vacant see of Oxford.

This act of undisguised despotism inflamed the minds of all ranks and orders of men with anger and indignation. Fellowships being, by the universal consent of the lawyers, of the nature of freeholds, it was evident that no man's property was secure, and that nothing less than the absolute subversion of the whole frame and constitution of government was to be apprehended. Popery could only be established by tyranny ; and the nation began now in earnest to consider of the means of resistance ; and the eyes of all seemed fixed as with one consent on the prince of Orange, from whom alone timely and effectual relief could be expected in this season of difficulty and danger. This daring outrage, however, was quickly followed by a transaction still more extra-

ordinary, and which displayed the infatuation and extravagance of the king in colors still more striking and vivid.

Declara-
tion of In-
dulgence.
1688.

A second declaration of indulgence was published in terms not materially different from the former : and to this declaration an order was subjoined, that it should be read in all the churches throughout the kingdom, immediately after the celebration of divine service. This mandate being justly regarded by the clergy as a direct and flagrant insult upon their order, by virtually making them the instruments of the ruin of that church of which they were ordained the ministers, they almost unanimously resolved, notwithstanding their rooted prejudices in favor of royalty, to refuse obedience to this injunction. Sancroft, archbishop of Canterbury, a man of high monarchical principles, but of inflexible integrity, after consulting such of his brethren as he could convene on this emergency, agreed with them to present a petition to the king against the declaration of indulgence ; stating in the most submissive terms their reasons why they could not as they expressed themselves, “in prudence, honor, or conscience, so far make themselves parties to it, as a distribution of it all over the nation, and the solemn publication of it, once and again, even in God’s house and in the time of divine service, must amount to in common and reasonable con-

struction " The king received this petition with vehement marks of indignation. He told them " he was their king, and would be obeyed, and that they should feel what it was to dispute his authority."

After the delay of a fortnight, during which interval the most moderate even of the catholics attempted in vain to soften and abate the anger of the king, the bishops, who were seven in number, were cited to appear before the privy council. The petition being produced, they were asked whether they would acknowledge it as their petition. To this, after some hesitation, they answered in the affirmative; upon which a warrant was made for their commitment to the Tower, and the crown lawyers received orders to prosecute them as the authors of a seditious and scandalous libel. The passions of the people were now completely roused; and when the day fixed for the trial of these venerable confessors arrived, the result of it was expected with inexpressible ardor and anxiety. According to the positions maintained by the generality of lawyers, a verdict ought to have been found against the bishops without hesitation: for it is affirmed that the law of England allows jurors to be judges only of the fact, and leaves all questions of law to be determined by the courts of law. The fact in

Seven Bishops committed to the Tower

this case was indubitable; the bishops had expressly avowed themselves the authors of the petition: and if the question of law, whether it were seditious or libellous in its tendency, were referred to the court, it may easily be conjectured in what manner it would have been decided. Happily, to the sophistry and subtlety of legal refinement common sense may be ever successfully opposed; and this best of all instructors teaches us, that when the question of law is so involved and blended with the matter of fact, that the fact itself, as containing a criminal allegation, can only be ascertained by deciding upon the point of law, then it is not merely the privilege but the duty of a jury, according to the best lights which they are able to attain, to include both in one general verdict; otherwise juries in such cases become wholly superfluous, insignificant, and contemptible. "The traitorous or evil intent," says sir Matthew Hale in his Pleas of the Crown, "is the very gist of an indictment, and must be answered by the plea of not guilty: and the jury are bound to take notice of the defensive matter adduced to disprove the allegation, and to give their verdict accordingly.—It would be," adds this great magistrate, "a most unhappy case even for the judge himself, if the defendant's or prisoner's fate depended upon his directions. Un-

happy also for the prisoner ; for, if the judge's opinion must rule, the trial by jury would be useless."

After a trial of near eleven hours, succeeded by a consultation of the jury which lasted the whole night, the bishops were pronounced " Not guilty," to the infinite joy and satisfaction of the surrounding multitudes, who filled the air with shouts and acclamations ; and this victory over a monarch, who had now incurred the general detestation of his subjects, was celebrated by illuminations and public rejoicings throughout every part of the kingdom. The king, who was at this period with the army, encamped, as usual for several summers past, on Hounslow Heath, was suddenly alarmed with the appearance of a general tumult amongst the soldiers, accompanied with wild and extravagant demonstrations of joy. Upon inquiring the cause of the earl of Feversham, he was told " that it was nothing but the rejoicings of the soldiers for the acquittal of the bishops."—" Do you call that nothing ?" said the king. " But so much the worse for them." Subsequent circumstances, however, happily did not allow him to execute the designs, whatever they might be, which his malignant revenge at the moment suggested.

The policy of James in thus collecting his forces together in one body was much questioned

Obstinacy
and Infatuation of the
King.

by the most sagacious of his own adherents. By enjoying the perpetual means of social intercourse, they encouraged and animated each other to resist the farther progress of despotism, and not to suffer themselves to be made the vile and passive instruments of enslaving their fellow subjects and of extirpating the protestant religion. The spirit by which the army was actuated appeared on a variety of occasions; but the king was as a man walking on the edge of a precipice, obstinately and wilfully averting his eyes from the view of the danger. Having determined to recruit and augment his army from Ireland, the attempt was first made on the duke of Berwick's regiment. The lieutenant-colonel and five of the captains strongly remonstrating against the admission of Irish papists into the army, the order was renewed in terms the most peremptory, and the duke of Berwick sent in person to see it enforced; upon which the officers desired leave to lay down their commissions. The king, transported with passion, commanded them to be tried by a court-martial for mutiny; and they were broken with disgrace, and declared incapable of future service. With the evident design of procuring a parliamentary repeal of the penal statutes by intimidation, if not by open force, the king condescended to communicate to the army his sentiments respecting this important

object, and required them to satisfy him as to their willingness to concur with him in the measures which he should adopt for that purpose. The first battalion upon whom this singular experiment was made, on being commanded to lay down their arms provided they did not think proper to enter into his majesty's views on this point, without hesitation grounded their arms accordingly. The king declined any farther trial; and sullenly told them, that for the future he would not do them the honor to apply for their approbation.

Undismayed, however, by all the indications of the public odium and indignation, which became every day more and more apparent, he resolved to send the earl of Castlemaine to Rome, in the character of ambassador extraordinary, for the express purpose of declaring in the most public and solemn manner the obedience and submission of the crown of England to the pope, and of reconciling the British realms to the holy and apostolic see. Instead of meeting with a reception corresponding to the dignity and importance of his embassy, this nobleman was treated with a coldness and indifference approaching to contempt. The court of Rome (which at this period, as well as at most other times, made their religion entirely subservient to their politics), fully apprised of the egregious indiscretion of James, were

Earl of Castlemaine's Embassy to Rome.

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to make an explicit declaration of their sentiments respecting those topics. And pensionary Fagel, by command of their highnesses, returned a written answer to Stuart, the confidential agent of his majesty, " that it was the unalterable opinion of their highnesses that no man should be exposed to any species of persecution merely on account of his adopting a faith different from that of the state. They freely consented therefore to the repeal of the penal statutes; but as to the test laws, they regarded them as by no means of a penal nature, but as just and necessary precautions for the security of the established religion, which would obviously be exposed to the most imminent danger should these bulwarks of the national church be removed *.

* On the authority of this declaration, bishop Sherlock has affirmed in unqualified terms, contrary to known and established facts, that king William was averse to the repeal of the test laws. In reply to the arguments and solicitations of James, the prince and princess of Orange very properly distinguished between the *principle* of the penal laws and that of the test laws. The object of the first is the forcible suppression of non-conformity as a species of criminal disobedience; of the second, a just and necessary regard to self-preservation against the attacks of a dangerous adversary. While the danger existed, to have consulted to the repeal of the latter would have been making themselves accessory to the national ruin. But when the revolution had taken place, and the safety of the nation was secured, the civil and political disabilities created by the test, not being warranted by a real

INTRODUCTION.

The king was highly incensed at this refusal, and declared that he would not accept of the repeal of the penal laws, unaccompanied by that of the test. He said, he was the head of the family; and that the prince ought to conform to his will, instead of which he had constantly opposed him. The king also affected great displeasure against the states of Holland, and appeared eager to seek occasions of quarrel. On the other hand, the prince, finding that he had wholly lost the favor of the king, and perceiving that the period was at length arrived when he might exert himself with dignity, propriety, and effect, scrupled not to dispatch Dykvelt, a man of capacity and address, into England, for the purpose of establishing a correspondence with the leaders of all the different parties—assuring them of the prince's earnest desire to preserve the constitution inviolate both in church and state, and to concur with them in any measure which they deemed conducive to the public interest or safety.

About this period happened an event which greatly tended to accelerate the progress and facilitate the success of these secret negotiations. This was no other than the birth of a prince of

1668.
Birth of the
Prince of
Wales

and urgent political necessity, were converted into acts of oppression and persecution; and that great monarch displayed his justice, wisdom, and generosity, in the efforts made by him to obtain their repeal.

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Wales, June 10, 1688. Such had been the unparalleled infatuation displayed by the king throughout the whole course of his reign, that it cannot be thought strange he should, by the generality of his subjects, be deemed capable of the crime of imposing upon the nation a supposititious child, in order to insure the accomplishment of those projects which he now began to despair of being able to effect within the compass of his own life. It tended strongly to corroborate this suspicion, that the queen had been for several years in an ill state of health, and was now supposed incapable of bearing children. During the months of pregnancy, and at the birth, sufficient care was not taken to obviate the jealous surmises which were known to be entertained, but which the pride of the king and queen prompted them to treat with disdain. After the reports, at first whispered abroad, were more loudly and generally circulated, and acquired great and increasing credit, attempts were in vain made to ascertain with legal precision the reality of the birth; though there is certainly no just or reasonable ground to stain the memory of this prince, however odious or contemptible, by imputing to him a design so flagrantly criminal. The prince of Orange, who perceived in consequence of this event the prospect with which he had been so long flattered, of succeeding to the British crown after

the demise of the king, suddenly and unexpectedly vanish, was no longer inclined to keep any measures with the English court. And he was now incited no less by ambitious than patriotic motives to divest the king of that authority which he had so grossly abused; and a great share of which must, in case of a revolution in the government, naturally devolve upon him. The English nation, on the other hand, after the birth of an heir-apparent, saw no possible refuge or resource from the despotism with which it was threatened; but in the courage, ability, and virtue of the prince of Orange, who was at the same time best qualified and best entitled to take the lead in the plan of resistance now determined upon. Invitations to the prince for this purpose, from a great number of persons of the first rank and consequence in the kingdom, were carried over by Zuylestein, on his return to Holland from an embassy of compliment, which the prince, to preserve the faint appearance of amity, had sent to the king on the birth of his son.

It is remarkable that even Sunderland himself, from whose sagacity and penetration these intrigues could not be concealed, far from displaying that firmness and decision which were necessary to extinguish or counteract them, entered, as there are strong grounds to believe into a secret and indirect correspondence with the prince, and

Duplicity
of Sunderland.

adopted such measures as were calculated to facilitate the success of his intended enterprize. Fully sensible of the dangerous predicament in which he stood, and filled with doubts and fears respecting the issue of the approaching conflict, this minister exerted all the arts of his insidious policy to provide for his personal safety, whether it terminated in favor of the prince or of the king. Whilst he maintained a good understanding with the prince therefore, and directed the royal councils in the manner most likely to promote his designs, in order effectually to deceive the king, and to ingratiate himself still farther into his favor and confidence, he took this opportunity of declaring himself a convert to the Roman-catholic religion: an artifice sufficiently gross, considering the present posture of affairs, had not the king's weakness been still more open and palpable.

State of Europe

The state of Europe at this period was peculiarly favorable to the enterprise now in contemplation. A warm dispute actually subsisting between the courts of Vienna and Versailles respecting the succession to the bishopric of Liege, afforded the states of Holland, who were nearly interested in the event, an opportunity of augmenting their forces by sea and land, without giving immediate cause of suspicion or umbrage. After their naval and military preparations, however, had continued some weeks without intermission,

Projects of the Prince of Orange.

D'Avaux, the French ambassador at the Hague, advised his court, that he had good ground to believe not Liege but England to be the principal object in view. Louis immediately transmitted this intelligence to James : but the king of England treated it as a wild and incredible surmise ; and repeatedly said, " that whatever the designs of the Dutch might be, he was sure they were not intended against him." The king of France, perceiving with astonishment the tranquillity of the king of England in this moment of danger, ordered his ambassador at the Hague to represent to the states, that, in consequence of the strict alliance and friendship subsisting between the two monarchs, his master would consider any hostile attempt against England as a declaration of war against himself. When this was reported to James, he appeared much displeased : and affirmed, " that the amity subsisting between himself and Louis was nothing different from that which usually subsisted amongst princes ; and that, if he was attacked, he knew how to defend himself without soliciting the aid and protection of France." By the advice of Sunderland, he had before refused to accept a body of auxiliary forces which Louis was desirous to send to his assistance : and rejected the proposal of the earl of Melfort to seize the persons of the most powerful and dangerous of the mal-contents. And in this state of unsuspecting security he remained till the end of Sep-

Terrors of
the King.

tember, when he received a letter from the marquis of Albeville, his ambassador at the Hague, informing him that pensionary Fagel had at length acknowledged that the invasion of England was the sole end of these mighty preparations. Struck with consternation, the letter dropped from his hand; and, as if awakened from a dream, he perceived at once all the horrors of his situation. In this desperate emergency, he had recourse to the earl of Sunderland, on whose capacity and fidelity he chiefly relied; and this nobleman counselled him without delay to rescind those illegal and unpopular measures which had excited the present alarming spirit of disaffection and revolt. He now therefore eagerly offered to enter into a treaty of alliance with the states for their common security: he replaced the magistrates who had been arbitrarily removed from their offices: he restored the charters which had been annulled: he abolished the court of ecclesiastical commission: he took off the bishop of London's suspension: he re-instated the expelled president and fellows of Magdalen college; and he ordered writs for a new parliament to be made ready for the great seal.

The Prince
of Orange
lands at
Torbay.
1688.

These symptoms, not of remorse but terror, did not however prevent the Prince of Orange's sailing from the Texel, November the 1st, 1688, with a fleet of 500 transports, having a large body of land forces on board, under the convoy of a strong

squadron of ships of war. A superior English fleet, which lay at anchor at the Nore, was prevented putting to sea by a violent easterly gale of wind, which carried the Dutch fleet into Torbay on the 4th of November : and on the day following the Prince of Orange landed his troops without the loss of a man. Advancing forwards to Exeter, he was soon joined by great numbers of the nobility and gentry of the western counties ; and on the first intelligence of the prince's arrival, every part of the kingdom was in commotion, Associations were daily forming in his favor : The northern counties openly declared for him ; and resistance seemed to be no where thought of. The king came down to Salisbury, where his army lay encamped ; but finding that no dependance could be placed on its fidelity, and that it was rapidly diminishing by desertion, he retreated to Andover ; from which place prince George of Denmark, who had hitherto attended the king's person, repaired to the head-quarters of the prince of Orange. And on the king's arrival in London, he had the inexpressible mortification to learn that his daughter, the princess Anne of Denmark, had withdrawn from court in order to put herself under the protection of the insurgents.

Not knowing whither to flee for safety, and overwhelmed with dejection and dismay, the king

convened a council of all the peers and prelates who were in London; and by their advice he delegated the lords Halifax, Nottingham, and Godolphin, as commissioners to treat with the prince of Orange. The demands of his highness were briefly—that a parliament might be immediately summoned—that those who were not qualified according to law should be removed from their offices—that the Tower of London should be consigned to the care of the citizens—that the fortresses of the kingdom should be put into the hands of protestants—that provision should be made for the payment of the prince's army—that during the sitting of parliament the armies on both sides should remain at an equal distance from the metropolis—finally, that the prince should have free access to the parliament, and be attended by the same number of guards as the king. These terms, though somewhat imperious, were fully justified by the circumstances of the case, and were by the king himself pronounced more favorable than he expected.

King leaves
Whitehall.

Instigated however by his own apprehensions, and the incessant importunities of the queen, who was terrified at the idea of a parliamentary impeachment, from which she was told that the queens of England were not exempted, James embraced the absurd and desperate resolution of retiring from the kingdom; flattering himself that

the confusion which he fancied must inevitably ensue would operate to his advantage, and that he should soon be solicited to resume the government. On the 10th of December, at three in the morning, he left the palace of Whitehall, with sir Edward Hales, in the disguise of a servant ; and proceeded as far as Feversham, where he was accidentally discovered. Upon the intelligence being carried to London, the privy-council met, and ordered the king's guards and coaches to be sent to Feversham, in order to re-convey him to London ; and on his arrival in the metropolis he was received with various demonstrations of joy.

The prince of Orange, who had heard of the king's departure with great pleasure, and who had, at the express desire of the nobles and privy-council, assumed the executive powers of government during his absence, was extremely chagrined at his unexpected return ; and a consultation was immediately held, in order to determine in what manner to dispose of the king's person. Some with equal resolution and judgment proposed to commit the king to safe custody, at least till a parliament should be called, and the settlement of the nation finally concluded upon. Others were of opinion that this bold and harsh measure would have a tendency to excite the public compassion, and to turn the tide of popularity in his favor.

with which a revolution was accomplished, which in its consequences must be acknowledged one of the most interesting and important in the annals of history. From this period a government was established which had for its basis—what no other government had ever before expressly assumed—the natural and unalienable RIGHTS of MAN. From this period the grand question, whether government ought to be exercised for the advantage of the governors or the governed, was finally decided. Government was by the highest authority allowed, and even virtually asserted, to be *a trust* : and the inference could not with any degree of plausibility be disputed, that the persons in whom this trust is vested, by whatever names or titles they may be distinguished, ARE ULTIMATELY RESPONSIBLE TO THE COMMUNITY FOR THE PROPER EXERCISE OF IT.

DISSERTATION I.

ON

THE CHARACTER

OF THE

EARL OF SHAFTESBURY.

NO character has labored under greater obloquy than that of the earl of Shaftesbury: yet he appears, from the general tenor of his conduct, to have deserved highly of his country; and those parts of it which are at all questionable have been most grossly and invidiously aggravated. It is the province of History to correct these errors, and to distribute with impartial justice the awards of praise or censure. Unfortunately for the memory of lord Shaftesbury, the most eloquent historian of the age, Mr. Hume, has in relation to him imbibed all the prejudices of preceding writers, in all their virulence and all their absurdity. His ideas of this celebrated nobleman are indeed evidently and almost wholly taken from bishop Burnet, low as the authority of that prelate stands with him upon most other occasions. But what Mr. Hume remarks of the duke of Albemarle is at least as true of lord Shaftesbury, "that bishop Burnet, agreeably to his own factious spirit, treats this nobleman with great malignity." At the period of the Restoration, few persons stood higher in the

esteem of the nation at large than Sir Anthony Ashley Cooper; and though decidedly of opinion, in opposition to general Monk, that conditions ought to have been proposed for the security of public liberty, the king, nothing offended at his warmth of patriotism, even before his coronation created him a peer by the title of Lord Ashley. And in the preamble to his patent, the Restoration is expressly said "to be chiefly owing to him; and that after many endeavours to free the nation from the evils in which it was involved, he at length by his wisdom and councils, in concert with general Monk, delivered it from the servitude under which it had so long groaned." He was also made governor of the Isle of Wight, chancellor of the exchequer, and lord-lieutenant of the county of Dorset: and he had, in conjunction with three other persons his intimate friends, a grant of the great estate of the Wallop family, which they afterwards nobly reconveyed to the original proprietors—the deeds of trust and conveyance being still extant.

Notwithstanding the appointment of lord Clarendon as first minister, it is perfectly well ascertained, though too superficially passed over by Mr. Hume, that the council were greatly divided in political opinion; and that the harsh, bigoted, and arbitrary measures of that nobleman were invariably opposed by the lords Ashley, Robarts, Manchester, Holles, Annesley, secretary Morrice, &c. and even at times by the lord treasurer Southampton himself, the noble friend of Clarendon, and who was also, to the chagrin of the chancellor, not less intimately connected with lord Ashley. The earl of Clarendon was supported by the Duke of York and the whole French interest, which on the other hand the chancellor espoused with strong and dangerous predilection—as the negotiations of the count d'Estrades evince beyond all controversy. On the disgrace of this minister, A. D. 1667, a new system was adopted; the French and high church influence

seemed at an end; the triple alliance was concluded; mild and equitable measures were recommended from the throne to the parliament; they were exhorted by the king "seriously to think of some course to beget a better union and composure among his protestant subjects in matters of religion, whereby they might not only be induced to submit quietly to his government, but also cheerfully give their assistance to the support of it." And the horrible tyranny practised, under the sanction of Clarendon, in Scotland, was checked by a royal letter addressed by the king to the Scottish council, importing "that another way of proceeding was necessary for his service." This system continued for near three years, to the great advantage of the nation, and the proportionate indignation of the duke of York and of the whole French and popish faction; through whose fatal influence the king, ever wavering between the two parties, was at length induced to adopt new counsels and new measures. Agreeably, however, to his refined and cautious policy, he still retained and treated with great demonstrations of regard divers of the moderate and popular leaders, amongst whom by far the most distinguished was lord Ashley, who was well known by the duke of York to be inveterate in his aversion, and inflexible in his opposition to him and his designs. Nor is it any just subject of reproach to lord Ashley, when such men as Holles, Annesley, and Robarts remained in office, that he did not immediately quit his connections with the court. Undoubtedly he flattered himself that, by a partial and external compliance with the measures of the sovereign, he and his friends might eventually recover their ascendancy. With this view he accepted, with the title of Shaftesbury, of the custody of the great seal; not surely with a design of promoting, but of counteracting the projects of the CABAL. He was entering, as he well knew, into a scene, not of political harmony, but of discord and confusion. Writing several months before to his

CHARACTER OF THE

nections with France, to continue the Dutch war, and to permit the marriage of the duke of York with the princess of Modena. That nobleman then took his final resolution; and by the language which he used at the commencement of the session, he shewed how little he was disposed to keep any measures with the court. After finishing the speech which he delivered *ex officio* and by command, he expressed, contrary to the established custom, and to the indignation of the popish junto, "his own hearty wishes and prayers that this session might equal, might exceed the honour of the last—that it might perfect what the last begun, for the safety of the king and kingdom—that it might be ever famous for having established upon a durable foundation our religion, laws, and properties." Shortly after he told the king, "that, though he was deeply sensible of the personal obligations he owed him, he was no longer able to serve him—that, had his advice prevailed, he would have engaged his life and fortune to have made him the most beloved and powerful prince in Christendom; and that, seeing him in the hands of a party so contrary to the interests he had been always contending for, he was satisfied the king's next step must be to send for the great seal. The king seemed much affected, and promised never to forsake him or the protestant interest; but would not be dissuaded from his purpose of dissolving, or at least proroguing, the parliament after a session of a few days. Lord Shaftesbury predicted the dangerous consequences of this step, and the irreparable breach it must create between the king and the nation. But Charles was immovable: and instigated by the duke of York and the popish faction, he sent as Shaftesbury was prepared to expect, secretary Coventry to demand the seal November 9th, 1673. "The same day," as we are informed by Dr. Kennet, "he was visited by prince Rupert and most of the peers and persons of quality about the

town, who acknowledged that the nation had been obliged to him for the just discharge of the trust that had been reposed in him, and returned him their thanks."

Monsieur Rapin, whose knowledge of the transactions of these times was necessarily very defective, had yet the sagacity to discern, and the candor to confess, that there existed much of misrepresentation in relation to the earl of Shaftesbury. "I must give," says this judicious historian, "a very material caution to those who read father Orléans's history, or such English or foreign authors as espouse the king's cause. All these writers paint the earl of Shaftesbury in very black colors. He was, according to them, the greatest villain that ever lived: his wickedness was answerable to the extent of his genius and the depth of his penetration. . . . My design in what I have said is, to hinder such as have read or shall read the other historians from thinking it strange that I do not every moment exclaim against the earl of Shaftesbury's conduct." Vol. xi. p. 393. M. Rapin justly concludes, from the general tenor of lord Shaftesbury's political character and conduct, "that it is highly improbable he should be engaged in a conspiracy to bring the kingdom under subjection to popery and arbitrary power." While a member of the Cabal administration, he was, as M. Rapin clearly perceived, as determined in his opposition to the York faction as at any other time. "The great counsellors," says the contemporary ecclesiastical historian Baxter, "that were said to do all with the king in great matters, were the duke of York, the lord Clifford, the duke of Lauderdale, the lord Arlington, the duke of Buckingham, and the lord chancellor. Among all these, the lord chancellor declared so much jealousy of popery, and set himself so openly to secure the protestant religion, that it was wonderful how he kept in as he did." *Baxter's Life*, p. 261.

But justice to the memory of lord Shaftesbury requires that the confused and invidious statements of Mr. Humie

should be more closely investigated, in order to manifest the utter incompetency of that celebrated historian to pass a judgment upon this nobleman's character and conduct. Mr. Hume affirms, after Burnet indeed, that sir Orlando Bridgeman was removed from his office for refusing to affix the great seal to the declaration of indulgence, and intimates that Shaftesbury was made chancellor for that very purpose: whereas sir Orlando Bridgeman continued in possession of the great seal eight months after the declaration was signed, sealed, and published, i. e. from the 15th of March to the 17th November 1672, and was then, as stated in the official notice, "permitted to resign on account of his great age and infirmities."

Mr. Hume asserts, after Burnet, that lord Shaftesbury suggested to Clifford the infamous advice of shutting up the exchequer: although these statesmen were at this very time inveterate political adversaries. And there is extant a paper of objections, admirably penned, left by lord Shaftesbury with the king, against that violent and iniquitous measure; and also a letter of the same nobleman, in which, adverting to this report, he styles it "foolish as well as false. If any man consider," says he, "the circumstance of the *time* when it was done, and that it was the *prologue* of making lord Clifford lord high treasurer, he cannot very justly suspect me of the counsel for that business, unless he thinks me at the same time out of my wits." And the duke of Ormond, a man of unquestioned honor, though of the Clarendon or York party, was heard to declare "his wonder why people accused lord Ashley of giving that advice; for he himself was present when it was first moved by lord Clifford, and he heard lord Ashley passionately oppose it." Even North the historian expressly affirms "that this counsel, supposed to be the invention of the earl of Shaftesbury, was as unhappily given, as desperately taken and executed by the lord treasurer Clifford. I verily be-

lieve," says that bigoted and prejudiced writer, "the truth was, that, from the very restoration of the royal family, while the earl of Shaftesbury was in office, especially in conjunction with Clifford, he was in close league with the most desperate of the king's enemies. In place or out of place, he moved not the least from his purpose. The noble earl, like Ulysses of old, acted in perpetual disguise. Even during his greatness there are manifest tokens of his working heartily at the root of the royal family, and that he was then in secret conjunction with the mal-contented. His changes were as Cæsar's, only *mutando rationem belli*. The earl governed himself by principles levelling against sovereign power." *Examen*, chap. ii. p. 37—41. This is the testimony of a bitter and determined enemy; but it serves to prove, better perhaps than evidence more impartial, that the earl of Shaftesbury was never regarded by the courtiers and *king's friends* as a man whose views in any degree co-incided with theirs, or who entertained the most distant idea of promoting any projects favorable to the establishment of arbitrary power.

Mr. Hume tells us, that in the famous speech made by lord Shaftesbury as chancellor in the spring session of 1673, he enlarged on the topics suggested by the king, and added many extraordinary positions of his own. This is extremely inaccurate. According to the fashion of the times, the speech delivered by the chancellor in the king's name was considered as the king's speech, and was previously agreed upon in council as part of it. Lord Shaftesbury expressed in strong terms, to his friend the famous Locke, his uneasiness at the part which he was thus compelled to act, particularly noticing the obnoxious phrase "*delenda est Carthago*." And M. le Clerc remarks upon the occasion, "that those (in Holland) who did not know the chancellor spoke only *ex officio*, conceived a bad opinion of him*." The earl of Clarendon had in the

* Bibliothèque Choisie, tome vi.

same manner vindicated, *ex officio* and in his capacity of chancellor, the first Dutch war, which he had previously and vehemently opposed in the cabinet, without any imputation upon his political integrity : and why should there be one standard of rectitude for Clarendon and another for Shaftesbury ? The apology for both must be found in lord Shaftesbury's own weighty remark in his address, already quoted, to the earl of Danby.

Mr. Hume's narrative evidently implies, if it does not expressly affirm, that lord Shaftesbury abandoned the court because the king, intimidated by the commons, had cancelled the declaration : whereas the king had as yet given no tokens of an intention to recede from the declaration ; and lord Clifford had vindicated it in high and lofty terms, calling the vote of the house of commons " *monstrum horrendum, ingens !*" when lord Shaftesbury arose, and said he must differ *totò calo* from the noble lord who spoke last ;—and then followed his famous speech in condemnation of the declaration. The king, urged by the commons, unsupported by the lords, and alarmed at the defection of his most popular minister, shortly after broke the seal with his own hand, *Marco Zuo* ; and the next day lord Shaftesbury, with the king's leave, reported it to the house of lords.

" Never," says Mr. Hume, " was turn more sudden, or less calculated to save appearances. Immediately he entered into all the cabals of the country party, and discovered to them, perhaps magnified, the arbitrary designs of the court, in which he himself had borne so deep a share." But this is mere historical romance. Lord Shaftesbury had never relinquished his connections with the country party, the leaders of which, Lyttelton, Powle, Russel, &c. were his particular friends ;—and he was never accused or suspected by the patriots in the house of commons of any design inimical to the liberties or interests of his country. On the other hand, if the

king conceived his conduct to be as base and treacherous as Mr. Hume represents it, how is his continuance in office for the space of eight months after this period to be accounted for? and why was he at last dismissed, as the high church historian Echard himself relates, with such unusual marks of respect and regard? But truth is always consistent with itself; and the fact beyond all possibility of rational denial is, that lord Shaftesbury had uniformly opposed the French or popish system with all the weight of his influence and eloquence. By the force of his arguments the king had been often induced to ponder and to hesitate; and that he acted TREACHEROUSLY is an assertion not only void of proof, but contrary to the whole tenor of evidence. Mr. Hume himself allows, but that is indeed at the distance of some pages, "that he maintained the character of NEVER betraying those friends whom he deserted." In a letter written to the king some years subsequent to this period, he says, in reference to the former events of his life, "I never betrayed, as your majesty knows, the party or counsels I was of." He rather chose to lie under the imputation of advising the measure of shutting up the exchequer, than to reveal the king's counsels confidentially entrusted to him. "I shall not deny," says the earl in the letter before quoted, "but that I knew earlier of the counsel, and foresaw what necessarily it must produce, perhaps sooner than other men; but I hope it could not be expected by any who do in the least know me, that I should have discovered the king's secrets, or betrayed his business, whatever my thoughts were of it." And when in avowed opposition to the court, several years afterwards he made some severe reflections on the then lord chancellor Nottingham, that nobleman arose in great heat, and "thanked God that, whatever his errors might be, he was not the man who had projected the second Dutch war, who had promulgated the declaration of indulgence, who had advised the shutting up of the exchequer:—"

the earl of Shaftesbury with the utmost calmness observed, in answer to these implied charges, "that there were then in the house several lords who were in the secret of his majesty's counsels at the period alluded to: he would accuse none, but he appealed to all whether *he* was the author or the adviser of the measures in question." A profound silence ensued: and lord Arlington; going up to the king, who was himself present in the house, remarked to him the generosity of lord Shaftesbury, and the indiscretion of the chancellor. And upon this the king rebuked the chancellor for meddling with the secrets of the council in so public a place; and told him "he knew nothing of these matters."

So much for the charge of treachery.—Upon other similar accusations of the historian it is unnecessary to dwell. If, as Mr. Hume asserts, "lord Shaftesbury had surmounted all sense of shame, if he was not startled at enterprises the most hazardous, if he was a man of insatiable ambition," why did he not steadily persevere in the court system? Had the opposition any thing better to offer him than the great seal of England?

This nobleman is stigmatized by Mr. Hume; as at the same time under the dominion of furious and ungovernable passions, and practising the insidious arts of a deep and designing demagogue. But these opposite characteristics are equally remote from the truth. He had an extraordinary command of temper upon the most trying occasions; and his speeches, though bold and ardent, are not declamatory, but acute, sagacious, and argumentative. He equally disdained to disguise his own sentiments in complaisance to the prince or to the people. "I do not know," said he upon a certain occasion (A. D. 1679) in the house of lords, "how well what I have to say may be received; for I never study either to make my court or to be popular. I always speak what I am COMMANDED by the dictates of the SPIRIT WITHIN ME."

In the high stations which he filled, his virtues, if we will give any credit to the testimonies of his contemporaries, were as conspicuous as his talents. His renown was extended far beyond the limits of his native country. On his advancement to the chancellorship, M. Cronstrom, a Swede of high distinction, who had been resident in England, wrote his congratulations. "This preferment and dignity, my lord," said he, "was due long since to your high merits; and I do humbly assure your excellency, it is generally believed here the interest of this and your nation will flourish under the wise conduct of such a renowned chief minister of state as you are."—Though not bred to the profession of a lawyer, none of his decrees in chancery were ever reversed; and amidst the violence and madness of party rage, Dryden himself, in his famous political satire of *Abasalom and Ahitophel*, could not refuse to pay a tribute of praise to the moral and judicial integrity of his character:

"In Israël's court ne'er sat an Abethdin
With more discerning eyes and hands more clean:
Unbrib'd, unsought, the wretched to redress,
Swift of dispatch, and easy of access."

Farther, Mr. Hume is pleased to inform us, "that lord Shaftesbury was reckoned a deist;" although incontrovertible evidence remains, that this nobleman was a firm believer in Christianity according to the most rational system of protestantism; for which he even declared, in a very memorable debate in the house of lords on the non-resistance bill (1675), his readiness to sacrifice his life. And upon this occasion king Charles, who was himself, according to his frequent practice, present in the house, declared "that Shaftesbury knew more law than all his judges and more divinity than all his bishops."

It would extend this digressive dissertation too far, to trace

the misrepresentations of Mr. Hume relative to the conduct of lord Shaftesbury subsequent to his resignation of office, and public junction with the opposition, of which he was immediately acknowledged as the head. It must suffice to say, that the historian exhibits a character incongruous, incredible, impossible—"a character from no one vice exempt," yet an object of the highest affection and veneration—not the veneration of the mass of the people merely, but of the best and wisest men of the age and country in which he lived—an Essex, a Holles, a Russel, and a Sydney. And to the injurious reproaches of Mr. Hume may with infinitely preponderating advantage be opposed the discriminating applause of the celebrated Locke, founded on long and intimate knowledge; who says of this nobleman, "that in all the variety of changes of the last age he was never known to be either bought or frightened out of his public principles." And M. le Clerc tells us, "that, to the end of his life, Mr. Locke recollected with the greatest pleasure the delight which he had found in the conversation of lord Shaftesbury; and when he spoke of his good qualities, it was not only with esteem, but with admiration*."

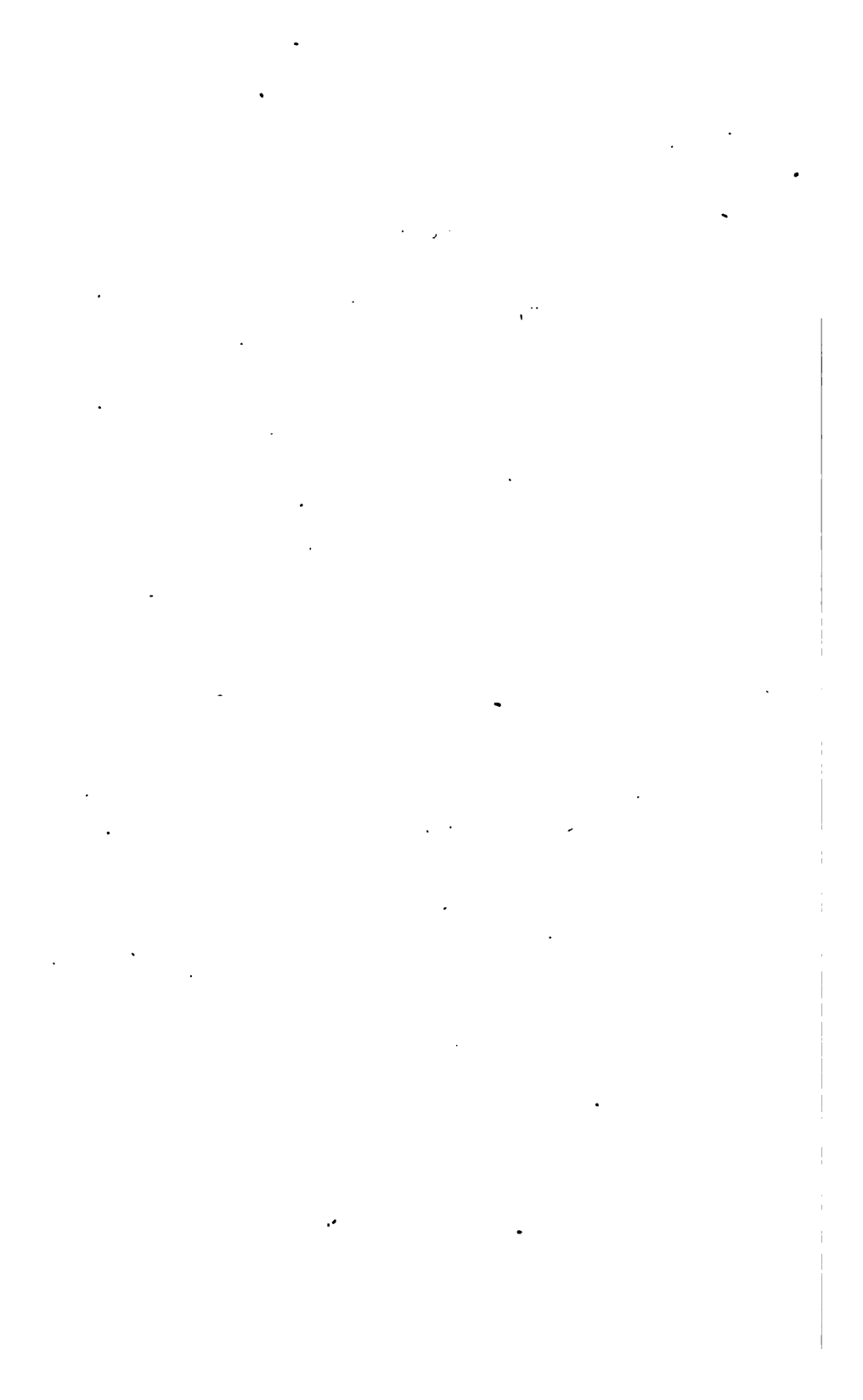
When at length reduced to the necessity of taking refuge in Holland, he was received by the republic, which according to his enemies he had laboured to subvert, with unusual honors. On his arrival at Amsterdam, he was visited by several of the states and persons of distinction, one of whom smiling remarked, "*Mi-lord, nondum est deleta Carthago.*" They told him they were sensible his sufferings were for the protestant cause, that he had been their real friend, and that he had no enemies but who were theirs likewise. They assured him of their constant protection, and ordered his portrait to be hung up in their public room. On his death, which happened shortly after, they put themselves in mourning. Even

* Bibliothèque Choisie, tome vi.

the ship which conveyed his body to England was adorned with streamers and scutcheons, and the whole apparatus was, by an express decree of the states, exempted from the payment of tolls, fees, and customs*. On the subsequent landing at Poole in Dorsetshire, it was met by a cavalcade of the principal gentlemen of the county, who attended the procession to his ancient seat of Winborne, where, after all his political conflicts, he reposed from his labors, and received a peaceful and honorable interment.

Some of these particulars are extracted from original materials furnished by the late earl of Shaftesbury. The remaining information, and much more to the same effect, was within the reach of every writer possessed of competent diligence, and not disdaining the dull labor of research. But the fine pictures of Mr. Hume are too often little better than fancy pieces: and, notwithstanding many beautiful passages, there is no part of the history of that celebrated author more negligently written, or more open to animadversion, than the first fourteen years of the reign of Charles II,

* Bibliothèque-Chésie, tome ii.



HISTORY OF GREAT BRITAIN.

WILLIAM III.

BOOK I.

Illustrious Character of K. William. State of Political Opinions. Appointment of the New Ministry. Convention converted into a Parliament, A. D. 1689. Oaths of Allegiance and Supremacy refused by eight Bishops. Cabals of the Non-jurors. Civil List settled. Bill of Rights. Bill of Indemnity. Act of Toleration. Bill of Comprehension. Proceedings of the Convocation. Affairs of Scotland. Crown of Scotland declared forfeited by King James—and conferred on K. William. Exploits of Viscount Dundee. Highlanders described. State of Europe. League of Augsburg. War declared by England against France. Generous reception of K. James by Louis XIV. Invasion of Ireland by the French. Treachery of Tyrconnel. K. James makes his Entry into Dublin. Battle of Bantry Bay. Pretended Parliament of Ireland convened by K. James. Act of Settlement repealed. Memorable Resistance of Londonderry. Unprosperous Campaign under M. Schomberg. Session of Parliament. Corporation Bill. Parliament dissolved. Proclamation against General Ludlow. Meeting of the New Parliament. Conflict of Parties. Act of Grace. Triumph of the Tories. King embarks for Ireland. Victory of the Boyne. King

James abandons Ireland. Success of K. William. Siege of Athlone raised—and of Limerick. King returns to England. Earl of Marlborough captures Cork and Kinsale. Command devolves on General Ginckel. Athlone taken. Victory of Aghrim. Capitulation of Limerick. Queen constituted Regent—Her amiable Character and discreet Conduct. Naval Defeat off Beachy Head. Session of Parliament. Lord Godolphin appointed First Commissioner of the Treasury—His Character. King embarks for the Continent. In Danger of Shipwreck. Congress at the Hague. Conspiracy against the Government. Execution of Ashton. Deprivation of the Non-juring Bishops. Campaign in Flanders, &c. 1691. Character of the Emperor Leopold. Death of Pope Innocent XI. Session of Parliament. Unpopularity of the King. Affairs of the East-India Company. Disgrace of the Earl of Marlborough. Intrigues carried on with the Court of St. Germaine's. Prince and Princess of Denmark cease to appear at St. James's.

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1689.
 Illustrious
 Character
 of King
 William.

THERE are few princes in ancient or modern times who have acted a more conspicuous or important part on the great theatre of the world than King WILLIAM. Scarcely had he attained to the age of complete manhood, when he was called upon by the united voice of his countrymen to rescue them from the dangers of an invasion which had nearly subverted the republic. When their apprehensions had reduced them to the lowest ebb of despondency, he awakened the drooping genius of the commonwealth; and Holland, under the auspices of a prince of the house of Orange, quickly re-assumed her courage and re-established her power. When these nations were threatened with the dread-

ful prospect of popery and slavery, this prince was again invoked for aid and assistance; and accomplishing with unparalleled happiness and success the glorious and immortal work of their deliverance, was rewarded with that crown which fell from the head of the abdicated tyrant. During the concluding years of his life, he was universally considered as the great bulwark of the liberties of Europe, endangered by the pride and the power of Louis XIV., to whose vast and unprincipled projects of ambition he opposed, in that grand alliance of which he was the former and the head, an insurmountable barrier.

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Though the two great political factions had united in their opposition to the late king James; and though the tories, alarmed at the magnitude and imminence of the danger, seemed for a time to have abandoned their favourite doctrines of passive obedience and non-resistance; in the speculative discussions which succeeded at the meeting of the convention, they evidently shewed a strong tendency to revert to their original principles, or at least a fixed reluctance to depart from them farther than the necessity of the case absolutely demanded. Though they acknowledged the king therefore to be incapable of government, they could by no means reconcile their minds to the idea of an actual deposition; but, as in former cases of incapacity arising from nonage or mental

State of Political opinions.

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imbecility, they proposed the appointment of a regent vested with kingly power. To this plan the whigs, who constituted a great majority of the lower house of convention, were determined, for obvious and important reasons, not to accede. But wisely endeavouring to accommodate their more dignified and rational ideas in a certain degree to the prejudices of their new associates, they passed an unanimous vote, "that king James II. having endeavoured to subvert the constitution of the kingdom by breaking the original compact between king and people, and having, by the advice of Jesuits and other wicked persons, violated the fundamental laws, and withdrawn himself out of the kingdom, has *abdicated* the government, and that the throne is thereby vacant." The tories, however, whose influence predominated in the house of lords, rejected the concluding clause, and changed the term *abdicated* for *deserted*, a word of very different import, as it seemed to imply that the right of resumption still existed. Not clearly comprehending that emergencies may arise of a nature so transcendent as to supersede all legal forms and positive institutions, and that the essence of the constitution is not to be sacrificed to its external sanctions, they argued, "that, however great might be the misconduct of the government, the law pronounced the king to be in his own person exempt from all responsibility. The

authors and advisers of the illegal measures pursued were indeed deserving of condign punishment; but to the king himself could be imputed not criminality but incapacity merely; and for this incapacity a regency was the only proper and constitutional remedy. If, however, the temporary desertion of the government on the part of the king should, by an unprecedented violence of construction, be interpreted into an actual abdication of the regal office, still the right of succession devolved by law upon the infant prince of Wales, of the legitimacy of whose birth, notwithstanding the rumours propagated for malicious and factious purposes, no rational person entertained the slightest doubt."

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These reasonings must have appeared not only plausible, but unquestionably just and equitable, to very many respectable persons, at a period when the true theory of government had been comparatively little studied, and its general principles not as yet perfectly understood or very generally diffused. It is a fact which needs neither disguise nor palliation, that the revolution, abstractedly considered, was an unquestionable though an illustrious violation of the law; and the established maxims which for the purpose of securing the just and genuine ends of government it was then thought necessary to supersede, are

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since that æra as sacred and inviolable as before. It is still a principle of the English constitution, that the king can do no wrong—*i. e.* to him no criminality can be imputed; that the legislative assemblies can exercise no jurisdiction over the monarch; and that the crown of England is held by hereditary right. But if former times should roll round again, and any future king of England should dare to conspire against the civil and religious liberties of his subjects, and sacrilegiously to attempt the subversion of the government, unless the spirit of liberty were totally extinguished in the land, these feeble barriers, calculated merely to protect the executive power in the just and fearless discharge of its constitutional functions, would be instantly burst asunder. And if the safety of the nation demanded that the trophies of public justice should be “raised (to borrow the language of MILTON) on the neck of crowned Fortune proud,” no true patriot would hesitate to applaud the sacrifice: nor would it be any impeachment of consistency to demand, at the same moment, the re-establishment of those wise and salutary and constitutional maxims from which the most urgent necessity alone could justify any departure.*

* “The supposition of law,” as sir William Blackstone excellently observes, “is, that neither the king, nor either house

The prudence and moderation, and even the magnanimity of the prince of Orange during the debates of the convention, are justly and generally applauded. Perceiving the house of peers disposed to favor the establishment of a regency, he thought proper, after observing a long and profound silence, to inform some of the leading members of that assembly, "that though he acknowledged their undoubted right to adopt that form of government which to them appeared most eligible, he was determined, if a regency were appointed, not to take upon him the office of regent; that, if they chose to settle the crown upon the princess of Orange, he claimed no right of objecting to it, but he would never act a subordinate part in the administration of the government. In either of these cases, therefore, he would return to Holland,

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Settlement
of the Go-
vernment.

of parliament collectively taken, is capable of doing any wrong; since in such cases the law feels itself incapable of furnishing any adequate remedy; for which reason, all oppressions which may happen to spring from any branch of the sovereign power must necessarily be out of the reach of any stated rule or express legal provision: but if ever they unfortunately happen, the prudence of the times must provide new remedies upon new emergencies. Indeed it is found by experience, that whenever the unconstitutional oppressions even of the sovereign power advance with gigantic strides, and threaten desolation to a state, mankind will not be reasoned out of the feelings of humanity, nor will sacrifice their liberty by a scrupulous adherence to those political maxims which were originally established to preserve it."

Blackstone's Commentaries.

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1689.

satisfied with the glory he had acquired by the service he had been so happy as to render them."

—This judicious and well-timed declaration put a sudden termination to the debate: and the two houses of convention came to a final resolution, Feb. 13, 1689, to offer the crown, in the name of all the people of England, to the prince and princess of Orange, as joint sovereigns; vesting at the same time the sole administration of government in the hands of the prince. This offer, which was no less agreeable to the princess, who indignantly disclaimed every idea of an interest separate from that of her husband, than to the prince, was accepted without hesitation; and their highnesses were crowned at Westminster king and queen of England, by the names of WILLIAM, and MARY, April the 11th, 1689, with great and universal acclamations.

Appoint-
ment of the
new Mi-
nistry.

The first public act of the new reign was a proclamation confirming all protestants in the offices held by them on the 1st of December 1688. A new privy council was in a few days after nominated, consisting chiefly of whigs. The grand difficulty rested in the appointment of a new ministry, in the formation of which it would have been highly impolitic entirely to have excluded the tories, who had taken a very active and zealous part in the late revolution. The jealous animosity subsisting between the two state fac-

tions began immediately to re-appear; and it was with little satisfaction to either that the king at last made his final arrangement. The earl of Danby, a zealous tory and high-churchman, who boasted the splendid merit of devising and effecting the marriage of the prince and princess of Orange, and who was one of the seven patriots who risked their lives and fortunes by signing the original invitation to the prince*, transmitted to him through the hands of M. Zuylestein, aspired to the office of lord high treasurer, which he had held during the reign of Charles II. But the king determined to put the treasury into commission; and lord Mordaunt, created earl of Monmouth, a zealous whig, was declared first commissioner. This nobleman possessed a most extraordinary force and versatility of talents; and his genius in the sequel taking a military direction, he attained to the highest degree of celebrity under his subsequent title, by descent, of earl of

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1689.

Characters
of the Mi-
nisters.

* The others were Shrewsbury, Devonshire, Lumley, the bishop of London, admiral Russel, and H. Sydney. The earl of Nottingham had been applied to, and had once assented to the invitation; but his heart failed him, and (as Sydney wrote to the prince, June 30,) "he retracted, under pretence of scruples of conscience—though they all concluded it to be another passion." He nevertheless kept the secret inviolate. The prince of Orange, knowing the selfish and unprincipled versatility of Halifax, forbade any positive or explicit communication of the design to that nobleman.

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Peterborough. Danby, thus excluded from the treasury, was obliged to content himself with the post of president of the council, and the title of marquis of Carmarthen. The earl of Shrewsbury, a man of capacity, of moderation, and of probity, whose character stood high with both parties, was appointed secretary of state, in conjunction with the earl of Nottingham, a determined tory, immoveable in his prejudices, grave in his deportment, austere in his morals, artful, able, and ambitious. This nobleman had refused to sign the invitation to the prince, but declared himself willing to share the responsibility as far as concealment would go : and though in the conventional debates he had vehemently opposed the vote of abdication, he subsequently declared with much plausibility, " that though he would not make a king, yet upon his principles he could obey him better than those who did." The marquis of Halifax, a man of wit, genius, and eloquence, had conducted himself with such duplicity, or, to speak more properly, with such flagrant inconsistency, as entirely to lose the confidence of both parties. He had originally acted with the whigs, to whom he gave mortal offence by the decided part which he took in opposition to the exclusion bill, and by supporting the flagitious measures of the last years of Charles II. and the first of his successor, under whom he held the

office of president of the council. In order to recover his credit with the whigs, who were now likely to attain a permanent ascendancy, he opposed with all the force of his oratory in the convention the project of a regency, and even went so far as to move that the prince should be declared king, and the princesses next in succession. This proposition, though immediately negatived, so far answered his purpose as to raise him high in the king's favor; but it made him odious to the whole body of the tories. To him was consigned the privy seal. The great seal was put into commission; Maynard, Keck, and Rawlinson, being nominated commissioners: and sir John Holt, a man of great ability and equal integrity, was declared chief justice of England. Admiral Herbert, a very popular and reputed a very skilful seaman, was placed at the head of the admiralty. The white staves were bestowed on the dukes of Devonshire and Dorset; the first being appointed lord steward, and the latter lord chamberlain. M. Bentinck, a native of Holland, who had long enjoyed the king's confidence, was advanced to an honourable station in the king's household, and soon afterwards created earl of Portland. Mr. Sydney, brother to the famous Algernon Sydney, a man of engaging manners and graceful address, was distinguished in the new promotions, and in the sequel advanced to very high offices in the

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Dr. Burnet
promoted
to the See
of Salis-
bury.

His Cha-
racter.

Convention
converted
into a Par-
liament.

state, and created earl of Romney. The diocese of Salisbury being at this time vacant by the death of the learned Dr. Seth Ward, the king of his own motion nominated as his successor Dr. Burnet, who had embarked on board the Dutch fleet on the late expedition to England, and been an active and zealous instrument in accomplishing the revolution. This prelate, equally famous in his political and theological capacity, has been described, not unhappily, as "a man of some parts and great industry, moderate in his notions of church discipline, inquisitive, meddling, vain, and credulous*"—but, as it ought to be added, honest, disinterested, and sincere. An unexpected difficulty occurred in the positive refusal of the primate Sancroft to consecrate the new bishop: but, as the time approached, dreading the penalties of a *præmunire*, he granted a commission to the bishop of London and three other suffragans to exercise his metropolitanical authority; thus, as bishop Burnet with some degree of spleen remarks, "meanly empowering others to do what he himself deemed an unlawful act."

The first resolution adopted by the new government was to convert the convention into a parliament, that assembly being supposed by many to want a legal sanction, not having been convoked by the royal writ of summons. On proposing the question in council, whether it was necessary

* SMOLLET, *Continuation*, vol. i. p. 6.

to dissolve the convention and to call a new parliament, the voices were divided ; but the whigs, knowing the inconveniences which would arise from a dissolution, and well satisfied with the apparent disposition and complexion of the commons, were unanimous in their opinions against it. The king, in consequence, went in state to the house of lords, and, in a solemn speech from the throne, recommended to both houses to “ consider of the most effectual means to prevent the inconveniences which might arise from delays in accomplishing whatever measures they might have in contemplation for the good of the nation.” A bill was immediately brought in, and carried rapidly through the house of lords, to remove and prevent all questions and disputes concerning the assembling and sitting of this present *parliament*. But in the house of commons it excited a warm and interesting debate. The tories maintained, with no small degree of plausibility, that “ if the convention was in itself an illegal assembly, its acts could not be legalized by giving it the name of a parliament—that the king’s writ was as necessary as his presence to constitute a legal parliament—that the convention of 1660 was called by the consent, if not by the authority, of the lawful king, and when there was no great seal in being to affix to the writs ; notwithstanding which, it had never been considered as a legal parliament ;

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1689.

its acts were ratified in a subsequent parliament, and thence they derived their validity. No constitutional power existing therefore, by which the convention could be converted into a parliament, they inferred that it must of necessity be dissolved and a new parliament summoned." To this reasoning the whigs replied with firmness and spirit, "that the whole of the proceedings relative to the REVOLUTION now accomplished, were in a legal sense irregular and anomalous to the established principles of the constitution ; but that essentials must not be sacrificed to forms. A king had been dethroned, and another ELECTED, and universally acknowledged as a king *de facto* at least, if not *de jure*. Was it then more difficult, or less constitutional, to acknowledge a parliament *de facto* than a king *de facto* ? The essence of a parliament consisted in the meeting and co-operation of the king, lords, and commons, whether convoked by writ or by letter. The prince of Orange's not being king at the time of his issuing the letters was an irrelevant objection, since he was then the administrator of the executive government. From a retrospective view of English history, it was sufficiently apparent that it was never considered by our ancestors as so material how the king, lords, and commons, came together, as that they were together. During the imprisonment of Edward II. writs were issued for a par-

liament, in the name of the monarch, by the queen and prince of Wales: which, being met, deposed the king, and passed a great variety of acts remaining in force without any subsequent confirmation. In like manner the parliament which deposed king Richard II. was summoned by the duke of Lancaster, afterwards king Henry IV.; which parliament, so irregularly convened, passed divers acts, the legality of which was never questioned. As to the confirmation of the acts of the convention parliament of 1660 by the subsequent parliament of 1661 convoked by the king's writ. though perhaps politically expedient in order to satisfy the scrupulosities of some sceptical theorists, it could proceed neither from necessity nor propriety—most of the acts passed in the convention parliament having produced their full effect before the subsequent parliament began. Where then was the political prudence or advantage of throwing the kingdom into confusion by a new election at so critical a juncture, to the great delay and hindrance of public business? And after all, at their next meeting, as to all the essentials which constitute a true and lawful parliament, they would gain nothing but what they already possessed." These arguments happily prevailed; and the commons agreeing to the bill the convention was from that time called the parliament—

BOOK. 1.

1689.

Oaths of
Allegiance
and Supre-
macy re-
fused by
eight Bi-
shops.

the act commencing from the day on which the crown was accepted by the king and queen.

The first of March being appointed for taking the oaths of allegiance and supremacy, divers of the dissatisfied members, chiefly of the upper house, retired on different pretences into the country. Being at length summoned to give their attendance, the earls of Clarendon, Litchfield, Exeter, with a few other temporal lords, continued contumacious; and no less than eight of the bishops, including the primate Sancroft, a man of unblemished morals, of great learning and integrity, and of much passive fortitude, but in his public capacity weak, wavering and pusillanimous. Though he had joined with the other peers and privy counsellors in inviting the prince of Orange to take the administration of the government upon him, he refused to pay his compliments of congratulation at St. James's on his subsequent arrival. When the convention met, he came not to take his place among them—resolving to act neither for nor against the interests of king James: and though he himself refused the oaths, he cautiously avoided taking any steps, by acting or speaking, to deter others from such compliance. The example of the bishops was followed by many individuals amongst the inferior clergy, who were in consequence deprived of their

benefices ; though by far the greater number submitted to the oaths enjoined, but with such limitations and mental reservations as redounded very little to the honor of their integrity. The recusant prelates* were at first suspended from their episcopal functions, and it was not till after an interval of above a year that the vacant sees were filled with men of more liberal principles ; the new metropolitan, Dr. Tillotson, in particular, sustaining a very high character for moderation, wisdom, candor, and probity. The deprived archbishop Sancroft retired to a small paternal estate in Norfolk, cultivating, as we are told, his garden with his own hands, and enjoying in peace and privacy the splendid sacrifices he had made at the shrine of rectitude and conscience.

BOOK 1.
1689.

The faction of the non-jurors, and many who had taken the oaths to the government, were quickly discovered, by intercepted letters, to be engaged in secret practices against it. The earl of Arran, sir Robert Hamilton, and others, were

Cabals of
the Non-
jurors.

* The non-juring bishops were Sancroft, of Canterbury ; Turner, of Ely ; Lake, of Chichester ; Ken, of Bath and Wells ; White, of Peterborough ; Lloyd, of Norwich ; Thomas, of Worcester ; and Frampton, of Gloucester. The five first of these were of the number of the seven bishops sent to the Tower by king James, for refusing to promulgate the declaration of indulgence : thus a second time, and within a very short interval, sacrificing, though in an ignoble and unworthy cause, their interest to their sincerity and integrity.

BOOK 1. committed to the Tower ; and a bill passed both
 1689. houses suspending the habeas corpus act, for the first time since that famous law, the bulwark of the English constitution and of the personal liberty of Englishmen, was enacted. A spirit of mutiny also at this period broke out in the army ; and the royal Scotch regiment of horse and that of Dumbarton, having declared for king James, began their march from South Britain to Scotland, but were pursued by general Ginckel, and compelled to surrender at discretion. This incident gave rise to a bill, now become annual, for punishing mutiny and desertion, forming in its present state a complete military code, under the sanction of which the formidable standing army of Britain is disciplined and governed.

Civil List
settled.

The revenue of the crown settled upon the late king James for life was declared by the house of commons to be expired, in contemptuous disregard of the allegations of the courtiers, who pretended that the revenue had devolved to the present king with the crown, as, during the life of king James at least, inseparably annexed to it. By a very just and wise regulation, the house established a distinction between the ordinary and extraordinary expenditure of the nation ; settling, by a provisional act, the sum of 600,000*l.* upon the crown to defray the necessary demands of the civil government, under the appellation of the

civil list ; and leaving all the remaining supplies to be voted upon estimate, and appropriated to specific services, stated by ministers, and approved by the parliament. This was a political novelty, at which the king was not perfectly pleased ; particularly as the civil list itself was granted, by a caution too rigidly scrupulous, for so short a term as one year only : and the bold and innovating spirit of the whigs excited in this and other instances some degree of umbrage, not to say resentment, in the breast of the king *.

BOOK I.
1689.

With a view to extend his popularity, the monarch signified, in a message to the commons, his readiness to acquiesce in any regulations they should think proper to adopt for the suppression of *hearth-money*, which he understood to be a grievous imposition on the subject ; and this tax was in the sequel abolished, " in order to erect a lasting monument of his majesty's goodness," to use the words of the act, " in every

Hearth
Money
abolished.

* The king declared, " that without a settled revenue a king was but a pageant : " And upon another occasion he said to bishop Burnet, " that he understood the good of a commonwealth as well as of a kingly government, and IT WAS NOT EASY TO DETERMINE WHICH WAS BEST ; but he was sure the worst of all governments was that of a king without treasure and without power." The late king of Prussia was more deeply tainted with this political heresy than king William ; for he declared himself to Dr. Zimmermann, " EXTREMELY PARTIAL TO REPUBLICS."

dwelling-house of the kingdom." But the prospect of this *monument*, according to the observation of the celebrated Commentator of the Laws of England, was extremely darkened by the substitution, in a few years afterwards, of a heavy duty on windows, as an equivalent to that on hearths : and which is perhaps little less odious or vexatious. In consequence also of the king's recommendation, the house of commons voted the sum of 600,000*l.* as a compensation to the States General for the expense incurred by them in fitting out the fleet which waisted the prince of Orange to the British shore. Another very important measure brought forward in the course of the present session, though not carried into full effect till the succeeding one, was the conversion of the declaration of rights presented to the king by the two houses of convention, immediately previous to the offer of the crown, into that memorably law so frequently referred to, and so justly celebrated, under the appellation of the **BILL OF RIGHTS** *. A clause of a very interest-

Blackstone.

Bill of Rights.

* The declaratory clauses of this famous bill are as follow :—
The lords spiritual and temporal, and commons, &c. as their ancestors in like cases have usually done, for the vindicating their ancient rights and privileges, declare—

That the pretended power of suspending laws, or the execution of laws by regal authority, without consent of parliament, is illegal.

ing import was inserted in this bill, disabling papists from the succession to the crown—to which the lords added, or such as should marry papists—

BOOK I.
1689.

That the pretended power of dispensing with laws, or the execution of laws by regal authority, as it hath been assumed and exercised of late, is illegal.

That the commission for erecting the late court of commissioners for ecclesiastical causes, and all other commissions and courts of the like nature, are illegal and pernicious.

That the levying money to or for the use of the crown, by pretence of prerogative, without grant of parliament, for longer time or in any other manner than the same is or shall be granted, is illegal.

That it is the right of the subject to petition the king: and all commitments and prosecutions for such petitioning are illegal.

That the raising and keeping a standing army within the kingdom in time of peace, unless it be by consent of parliament, is against law.

That the subjects, being protestants, may have arms for their defence, suitable to their condition, and as allowed by law.

That the election of members of parliament ought to be free.

That the freedom of speech or debates and proceedings in parliament ought not to be impeached or questioned in any court or place out of parliament.

That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

That jurors ought to be duly impannelled and returned, and jurors which pass upon men in trials for high treason ought to be freeholders.

That all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void.

BOOK I

1689.

Bill of Indemnity.

and absolving the subjects in this case from their allegiance.

The king was extremely and laudably solicitous that an act of indemnity, with proper exceptions, should pass without delay. Jeffries, the infamous Jeffries, was now under close confinement in the Tower;* and Wright, who had filled the high office of lord chief justice of England, with divers of the late judges and other state delinquents, were prisoners in Newgate: and from amongst these, examples of public justice might be made. But good policy evidently required, that the minds of the multitude who had rendered themselves more or less culpable by engaging in the execution of the illegal measures of the late reign should be set at rest and conciliated

And that for redress of all grievances, and for the amending, strengthening, and preserving of the laws, parliaments ought to be held frequently.

And they do CLAIM, DEMAND, and INSIST UPON all and singular the premises as their undoubted rights and privileges, and that no declarations, judgments, doings, or proceedings to the prejudice of the people in any of the said premises ought in any wise to be drawn hereafter in consequence or example.

* "I saw him," says the historian Oldmixon, "as he was on his way to the Tower, guarded by the militia from the rabble, who shewed a readiness to tear him to pieces. He held up his hands in a lamenting posture, earnestly beseeching those that were in the coach with him to protect him." He did not long survive his confinement.—*Oldmixon*, vol. ii. p. 5.

by the lenity and moderation of the present government. This the whigs, much more in the spirit of faction than of patriotism, resisted, from a desire to keep their adversaries still under the lash, and to establish more firmly their own ascendancy. This ungenerous conduct was openly countenanced and encouraged by the earl of Monmouth, now at the head of the treasury, and Delamere, afterwards earl of Warrington, chancellor of the exchequer—to the great disgust of the king; into whose mind the earl of Nottingham was assiduously instilling jealousies and suspicions of the whole whig party, whom he represented as in their hearts republicans and levelers, entertaining deep and dangerous designs tending to the subversion of kingly government. Under the specious pretext of the difficulty of making the proper exceptions, and of the encouragement which a general indemnity would afford to the partisans of the late king, the bill was lost for the present session.* Modelled as it was by the whigs, it bore indeed more the appearance of a bill of punishment than of pardon; for it comprised no less than twelve general heads of exception, including a vast number of individuals.† Amongst those specified by name were the chief justices Herbert and Wright, the lords

* Burnet.

† Ralph, vol. ii. p. 135.

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Jeffries and SUNDERLAND, the bishops of Durham, Chester, &c. Lord Delamere himself informs us, "that the party most affected by the bill retarded their proceedings by throwing stumbling-blocks from time to time in their way"—thinking, no doubt, that their peril would be in no wise diminished, but on the contrary greatly increased, by such an act of grace and favor as this. Such was the terrific latitude of the bill, that it was compared to sailing in an illimitable ocean without a compass—to wandering in an immense forest which no sunbeam could penetrate.


Act of Toleration.

Of all the transactions of the present memorable session of parliament, next to the bill of rights, the measure most interesting to posterity, and the effects of which have been most visible and permanent, was the famous act of toleration—an act perfectly consonant to the views, and which may indeed be said to have originated in the liberal, just, and generous disposition, of the king. The church and the more respectable part of the dissenters having united in their opposition to the despotic proceedings of the late reign, notwithstanding the insidious means used to conciliate the non-conformists, and to make them instrumental to the designs of the court, they were flattered by the heads of the church with the hope not merely of a general to-

leration whenever a favorable period should arrive, but of a liberal comprehension by rendering the terms of conformity less rigorous. The king had given a striking proof of his own freedom from religious bigotry, when, in his speech to the two houses on passing the bill for suspending the habeas corpus act, he took occasion to express "his hope that, in providing against papists, they would leave room for the admission of *all protestants* who were willing and able to serve; and he affirmed that such a conjunction would unite them the more firmly amongst themselves, and strengthen them against their common adversaries." Accordingly, when the bill for abrogating the old and appointing the new oaths was brought forward, a clause was inserted to remove the necessity, as to protestants, of taking the sacramental test as a qualification for office; which, though strongly supported by the leaders of the whigs, particularly by the marquis of Halifax, who now aspired to the distinction of head of the whig party, was ultimately negatived. A protest, framed in terms remarkably spirited, was signed by the lords Delamere, Wharton, Mor-daunt, &c. against the rejection of this clause, in which they declare "that a hearty union amongst protestants was a greater security to church and state than any test that could be invented; and that a greater caution ought not to be required

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1689.

from such as were admitted into offices, than from the members of the two houses of parliament, who are not obliged to receive the sacrament to enable them to sit in either house." And in a second protest it is affirmed to be "hard usage to exclude from public employments men fit and capable to serve the public, for a mere scruple of conscience, which could by no means render them suspected, and much less disaffected to the present government; that to set marks of distinction and humiliation on any sorts of men who have not rendered themselves justly suspected to the government, as it is at all times to be avoided by the making just and equitable laws, so might it be of ill effect to the reformed interest at home and abroad in this present conjuncture, which stood in need of the united hearts and hands of all protestants." In order to conciliate the tories, the king was willing and even desirous to mitigate the severity of the bill, by vesting a discretionary power in the crown to dispense with the oaths with respect to the established clergy, who were for the most part notoriously inimical to the present government. In vindication of which provision, it was said, "that in former changes of government oaths had not proved so effectual a security as was imagined. Distinctions were found out, and senses put upon words by which they were interpreted so as to signify



but little when a government came to need strength from them. The acquiescence of the clergy must be presumed from the use of the liturgical forms. If that formidable body were reduced to the hard necessity of taking these oaths, or of resigning their preferments, there was indeed little doubt of a general compliance: but far from producing any beneficial effect, it would only tend to inflame their minds and to confirm their animosity. It was also remarked, that during queen Elizabeth's long and glorious reign, in which she had to guard both against the pretended title of the queen of Scots and the deposing power of the pope, this was the mode adopted; and it was found by experience, that to leave the tendering of oaths to the queen's discretion was the most effectual way of preserving the public safety and tranquillity." As the intemperate zeal of the tories had defeated the former clause, so the equally misguided violence of the whigs prevented the adoption of the latter; and the king himself appeared to be almost the only man in the kingdom who had the wisdom and moderation to approve and patronize both.

With a view to accomplish the truly Christian and catholic project of a comprehension, a bill was introduced into the house of lords, under the title of a bill for uniting their majesties' protestant subjects; by which many trivial points

BOOK I.
1689.

Bill of Com-
prehension.

BOOK I. in dispute between the church and dissenters re-
1689. specting the use of the cross and surplice, &c. were conceded to the latter, and some verbal alterations admitted in the Book of Common Prayer. This giving little satisfaction to divers of the lords, a proviso was offered, extending much farther the prospect of reformation,—“that, in imitation of the acts passed in the reigns of Hen. VIII. and Edw. VI. a number of persons, both of the clergy and laity, might be empowered to prepare such a reformation of things relating to the church, as might be offered to the king and parliament in order to the healing of our divisions, and the correcting what might be amiss or defective in our constitution.” This was vehemently opposed by bishop Burnet, who, impatient to signalize himself as a champion of the church, argued with great warmth against taking this business out of the hands of the clergy, to whom in his opinion it solely and properly appertained. And in consequence of his intervention—if he does not in the relation of this affair over-rate his own importance—it was thrown out by a small majority. Against this decision an admirable protest was nevertheless entered upon the journals of the house, in which the protesting peers remark, “that, though upon *Romish* principles the clergy alone are entitled to meddle in matters of religion, yet with us, where the church is acknowledged

and defined to consist of clergy and laity, they can have no such claim ; that the things to be considered are of human institution, and derive their origin from the civil power ; that any alteration or improvement of them must depend on the exercise of human reason ; and that the clergy can have no pretence for insisting upon the exclusion of the laity, unless they mean at the same time to set up a claim to divine inspiration. And as to the differences and delays which might arise from the mixture of laymen and ecclesiastics, they could afford no ground of objection, unless those who advance this plea suppose the clergy to have distinct interests or designs from the lay part of the same church ; in which case it would undoubtedly be proper to exclude *one* or *other* of the opposing parties, not from the present commission merely, but from the upper house of parliament itself, in order that the national business should suffer no obstruction." This futile bill was at length sent down to the commons, where it was opposed by the whole strength of the high church party ; and being also but faintly supported by the friends of the dissenters, the leaders of whom were secretly averse from a scheme of comprehension which would diminish their influence and importance, it was finally lost. At the same time an address to the throne was moved and carried by the opponents of the bill, in which the

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1689.

lords, after a high debate, concurred, thanking his majesty for his gracious declarations and repeated assurances that he would maintain the church of England established by law—and humbly praying, that, according to the ancient usage and practice of the kingdom in time of parliament, his majesty would be pleased to issue his writs for calling a convocation of the clergy, to be advised in ecclesiastical matters; and, by way of compromise with the other party, assuring his majesty that it was their intention forthwith to proceed to the consideration of giving ease to protestant dissenters. The way being thus paved for the act of toleration, it passed rapidly through both houses, and received the royal assent with the most decided approbation of the public: and though in itself very defectively framed, it has in fact operated as a charter of religious liberty; for very few attempts have been made to oppose the letter to the spirit of the act, and in recent times it has been explained, improved, and enlarged. From this toleration the papists were expressly excluded: but the mild and benignant disposition of the king effectually protected them from the fury of their protestant persecutors*.

* Burnet, vol. iii. p. 14, 15. Ralph, vol. ii. p. 74, 75,

Mr. Locke thus expresses himself in a letter to M. Limborch, in relation to the act of toleration:—"Tolerantiam apud nos jam tandem lege stabilitam te ante hæc audisse

In conformity to the address of the two houses, and as the only remaining chance of effecting any plan of ecclesiastical comprehension, the king summoned a convocation, which met in the autumn of the present year; previous to which a special commission was issued under the great seal, to ten bishops and twenty dignitaries of the church, to prepare such alterations of the liturgy and canons as might be fit to lay before the convocation. This was not only a prudential but a necessary legal precaution, as the clergy in convocation would have subjected themselves to the penalties of a *præmunire* by attempting to frame new canons without the king's leave first obtained. A great majority of these divines were of the moderate or low church party; but, to avoid, as far as might be, the reproach of partiality, in the number were included several of a different complexion; such as Lamplugh, archbishop of York; Mew and Sprat, bishops of Winchester and Rochester; Jane, divinity professor at Oxford; and Aldrich, dean of Christchurch. No sooner were they convened in the Jerusalem chamber, and the commission opened, than the

BOOK I.
1689.

Proceed-
ings of the
Convoca-
tion.

pullus dubito. Non ea forsâ latitudine quâ tu et tui similes veri, et sine ambitione vel invidiâ, Christiani optarent. Sed aliquid est prodire tenus. His initiis jacta spero sunt libertatis et pacis fundamenta, quibus stabilienda olim erat Christi ecclesia."

BOOK I. legality and authority of it were called in ques-
1689. tion by Dr. Sprat, who had himself been one of
the members of the criminal and tyrannical court
established by the late king James—thus proving
himself one of that odious and pharisaical fratern-
ity who can strain at a gnat and swallow a
camel. And though he was informed that the
commissioners pretended to no authority, but
were met merely to consult upon such matters as
it might be necessary to arrange and prepare for
the consideration of the convocation, he retired in
high disgust, attended by Mew, Jane, and Ald-
rich. The commissioners nevertheless proceeded
in the business of their commission, and digested
a plan of reform, nearly resembling that contained
in the bill of comprehension. But on the en-
suing meeting of the convocation, it immediately
appeared that the court or moderate party would
be left in a minority, by the choice of Dr. Jane
as prolocutor, in opposition to Dr. Tillotson.
When presented for approbation to the bishop of
London, who officiated as præses of the convoca-
tion during the suspension of Sancroft, the pro-
locutor, in an eloquent Latin speech, delivered it
as the sense of the lower house, that such was the
transcendent excellence of the liturgy established
by law in England, above those of all other
Christian churches, that it needed no amendment;
and he concluded in their name with the famous

declaration of the barons of England at the parliament of Merton, "*Nolumus leges Angliæ mutari.*" A prorogation forthwith took place, in the vain hope of mollifying these flaming furious spirits; and at their second meeting (Dec. 4, 1689) the earl of Nottingham delivered to them a message from the king, couched in the softest terms, and exhorting them "calmly and impartially to attend to the propositions which were to be laid before them, and which would assuredly tend to the honor, peace, and advantage of the protestant religion in general, and particularly of the church of England, which was so eminent a part of the Reformation." After much contention and difficulty, the lower house of convocation acceded to an address proposed by the bishops, "thanking hismajesty for his gracious message, and expressing their fidelity and allegiance to his person;" at the same time resolving not to enter into any debates respecting alterations. The court therefore, now perceiving its hopes and designs entirely frustrated, determined to put a period to the setting of the convocation: and the only effect produced by this beneficent but perhaps injudicious effort of the executive government, was, to excite a factious and senseless clamor against the monarch, as inimical to the interests of the church. The session of parliament, which was protracted to the unusual period of

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1689.

seven months, had been previously terminated on the 20th of August 1689. In the course of it, the attainder of lord Russel, whose execution is styled in the act a murder, and that of Algernon Sydney, a name which may vie with the most celebrated of antiquity, were reversed, and their memories consecrated to everlasting fame, amid the sacred effusions of national grief and admiration.

Affairs of
Scotland.

The convention of estates in Scotland, summoned by letter as in England, met at Edinburgh on the 14th of March 1689; and the duke of Hamilton, a nobleman in the interest of the prince of Orange, now king of England, was chosen president by a great majority, in opposition to the marquis of Athol, supported by the lords Balcarras, Dundee, and other partisans of the late king James. And different expresses arriving nearly at the same time with letters from the rival monarchs to the convention, a vehement debate ensued which should be first opened. The question was at length decided in favor of king William; whose letter was then read, recommending to the convention, in very conciliatory and judicious terms, "to enter upon such consultations as were best calculated to settle the public welfare upon sure and lasting foundations, and exhorting them to lay aside all animosities and factions which might impede so good a work;

and expressing an earnest wish for the accomplishment of an union of the two kingdoms, as the most effectual means of securing the happiness and prosperity of both nations, living in the same island, having the same language, and the same common interest of religion and liberty." A committee was immediately appointed to draw up a respectful answer to this letter; and it being suggested that the letter of king James, now about to be read, might contain some authoritative clause to dissolve the assembly or annul their proceedings, a previous and unanimous resolution passed, "that the convention was a free and lawful meeting of the estates; and that they would continue undissolved until they had settled and secured the protestant religion, the government, laws, and liberties of the kingdom."

The letter of James was then opened, and found to contain a furious and virulent declamation against the authors and abettors of what he styles "the blackest of usurpations, and the most unjust as well as unnatural of all attempts;" and warning the convention "to avoid, by a loyalty suitable to the many professions they had made, the infamy and disgrace they must bring upon themselves in this world, and the condemnation due to the rebellious in the next." Not intimidated, but on the contrary inflamed and exasperated, by these reproaches and threats, they

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1689.

ordered Crane the messenger to be taken into custody, and after some time dismissed him with a pass instead of an answer. From various confidential letters addressed by the earl of Melfort to different persons, intercepted by government, it was sufficiently evident what sort of policy would have been adopted by James had he been restored to the throne. "You will ask me," says this favorite minister of the abdicated monarch to lord Dundee, "without question, how we intend to pay our army? But never fear that, as long as there are rebels' estates." And again to lord Balcarras: "The estates of the rebels will recompense us. Experience has taught our illustrious master that there are a good number of people that must be made Gibeonites, because they are good for nothing else." But a still more decisive proof of the baseness of lord Melfort's disposition appeared in a letter to lord Dundee, accompanying a royal declaration of indemnity and toleration from king James. Knowing the animosity of Dundee against the sectaries, Melfort, in order to soften this obnoxious measure, informed him, "that, notwithstanding the seeming promises of indulgence and indemnity in the declaration, he had so worded them, that king James might break through them when he pleased." This gross duplicity lord Balcarras himself mentions, in his interesting account of Scot-

Perfidy of
the Earl of
Melfort.

tish affairs, with becoming indignation. He says that not only lord Dundee was dissatisfied, but many others of king James's friends; and so much was lord Melfort the object of their dislike, that a remonstrance, in which the lords Balcarras and Dundee concurred, was transmitted to king James, desiring him "to lay aside that lord, because he was universally obnoxious to both kingdoms *".

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1689.
Crown of
Scotland
declared
forfeited by
K. James,

At the instance of the president of the convention, a committee of twenty-four persons was forthwith appointed, consisting of eight members selected out of each of the three estates, of lords, knights, and burgesses, to prepare and digest the plan of a new settlement—who in a few days came to the following spirited and memorable resolution: "The estates of the kingdom of Scotland find and declare that king James VII., being a professed papist, did assume the royal power, and acted as a king, without ever taking the oath required by law; and had, by the advice of evil and wicked counsellors, invaded the fundamental constitution of this kingdom, and altered it from a legal and limited monarchy to an arbitrary despotic power; and had governed the same to the subversion of the protestant religion, and violation of the laws and liberties of the nation, inverting all the ends of government; where-

* Lord Balcarras's Account of Scottish Affairs.

BOOK I. by he had FORFAULTED the RIGHT of the crown, and the throne was become vacant." This resolution, being reported to the convention, was adopted and confirmed, with the exception of five dissentient voices only—the partisans of the late king James having previously seceded from the assembly. The lord president then moved, "that the vacant throne might be filled with the king and queen of England;" which was unanimously approved—the marquis of Athol himself, who had opposed with vehemence the vote of vacancy, declaring his acquiescence in the proceedings of the convention, and acknowledging, that, upon the presumption of a vacancy, none were so worthy to fill the throne as king William and queen Mary. The new sovereigns were on the same day proclaimed at the market-cross of Edinburgh, by the lord president in person, assisted by the members of the convention and the magistrates of the city. The earl of Argyle (who had been permitted to take his seat, notwithstanding the attainder of his father), sir James Montgomery, and sir John Dalrymple, were then nominated commissioners to invest their majesties with the royal dignity; and on the 11th of May 1689, attended by almost all the Scottish nobility and gentry resident in or near the metropolis, they were solemnly introduced to the king and queen at Whitehall, and delivered to them, together with a letter from the estates, I. The instrument

and con-
ferred on
King Wil-
liam.

of government; 2. A paper containing a catalogue of the national grievances; and 3. An address to the king for turning the convention into a parliament—to all which the king replied very graciously. The coronation oath was then tendered, conceived and expressed in a high strain of liberty, but miserably and strangely tainted with fanaticism—amongst other absurd things, declaring, “that they would abolish and gainstand all false religion—that they would procure to the kirk of God and all Christian people true and perfect peace to the utmost of their power in all time coming—and that they would be careful to root out all heretics and enemies to the true worship of God, &c.” Here the king, much moved, interrupted the earl, and protested that he did not mean to bind himself by these words to become a persecutor. And the commissioners replying that neither the meaning of the oath nor the law of Scotland did import it, his majesty rejoined, “that he took the oath in that sense, and called upon the commissioners themselves and others present to witness that he did so.”

The convention of Scotland having at their first meeting declared so decidedly against the late king James, the whole kingdom seemed to submit to their authority without hesitation or difficulty; the castle of Edinburgh excepted, of which the duke of Gordon, a papist, was governor; and

BOOK I.
1689.

Exploits of
Viscount
Dundee.

Highland-
ers de-
scribed.

who, upon being summoned by the convention, peremptorily refused to deliver up the fortress; upon which he was, at the high cross by the heralds at arms, proclaimed a traitor and rebel. But a formidable opposition to the new government was soon excited by the celebrated viscount Dundee, who had formed himself upon the model of the heroic Montrose, and was possessed of the same commanding talents and graceful accomplishments. Having left the convention with the rest of the seceders, he quitted Edinburgh at the head of about fifty horse. Being asked whither he was going, he replied, "Wherever the spirit of Montrose shall direct me." Repairing to the interior parts of the country, he soon collected a very considerable force. Dundee had infused his mind with the perusal of the ancient poets and historians, and yet more by listening to the heroic achievements celebrated in the popular and traditional songs of his countrymen. His army was entirely composed of HIGHLANDERS—a singular people, of whom it is not sufficient barely to mention the name. Amidst the clouds and darkness which envelop the high and remote periods of historic antiquity, it appears from strong presumptive evidence, that at this era the Highland nation exhibited the unmixed remains of that vast Celtic empire which once stretched from the Pillars of Hercules to the Sea of Archangel. The

Highlanders were composed of a number of tribes or *clans*, each of which bore a different name, and lived upon the lands of a different chieftain. The members of every clan were connected with each other not only by the feudal but the patriarchal bond; and each of them could recount with pride the degree of his affinity to the common head. The castle of the chieftain was open and easy of access to every individual of the tribe: there, all were hospitably entertained in times of peace, and thither all resorted at the sound of war. They lived in villages built in glens or deep valleys, and for the most part by the sides of rivers. At the end of spring they sowed their grain, and at the commencement of winter they reaped their scanty harvest. The rest of the year was all their own, for amusement or for war. During the short interval of summer they indulged themselves in the enjoyment of a bright and lengthened sun, and in ranging over a wild and romantic country; frequently passing whole nights in the open air among the mountains and the forests. They spent the winter in the chace while the sun was up; and in the evening, assembling round a blazing hearth, they entertained themselves with the song, the tale, and the dance. Their vocal music was plaintive even to melancholy, but their instrumental was bold, martial, and animating. In order to cherish high sentiments in the minds of

BOOK I.
1869. all, every considerable family had an historian who recounted, and a bard who sung, the deeds of the clan and its chieftain, or, on more solemn occasions, the glorious exploits of their heroic ancestors*. The vastness of the objects which surrounded them, lakes, mountains, rocks, cataracts, seemed to expand and elevate their minds; and the severity of the climate, with the nature of the country, and their love, in common with other semi-barbarous nations, of

* Many beautiful specimens of Highland poetry might be selected from the works of the most celebrated Gaelic bards, and more particularly from those of Ossian. But the pleasure we derive from them would be much enhanced could their pretensions to the high antiquity they claim be more satisfactorily ascertained. Ossian's address to the sun, to adduce no other instance, is truly sublime: "O thou that rollest above, round as the shield of my fathers, whence are thy beams, O Sun! whence thy everlasting light? Thou comest forth in thy awful beauty; and the stars hide themselves in the sky. The moon, cold and pale, sinks in the western wave. But thou, thou thyself movest alone! Who can be a companion of thy course? The oaks of the mountains fall; the mountains themselves decay with years; the ocean shrinks and grows again; the moon herself is lost in heaven: but thou art for ever the same, rejoicing in the brightness of thy course! When the world is dark with tempests; when thunder rolls and lightning flies, thou lookest in thy beauty from the clouds, and laughest at the storm. But to Ossian thou lookest in vain! for he beholds thy beams no more; whether thy yellow hair flows on the eastern cloud, or thou tremblest at the gates of the west."

the chase and of war, forced them to great corporeal exertions; while their want of regular occupation, on the other hand, led them to contemplation and social converse. They received the rare and occasional visits of strangers with a genuine and cordial hospitality, never indulging in a rude or contemptuous ridicule of manners opposite to their own. Considering the inhabitants of the Lowlands in the light of invaders and usurpers, they thought themselves entitled to make reprisals at all convenient opportunities. What their enemies therefore called violence and rapine, they termed right and justice; and in the frequent practice of depredation they became bold, artful and enterprising. An injury done to one of the clan was held, from the common relation of blood, to be an injury to all. Hence the Highlanders were in the habitual practice of war; and hence arose in various instances between clan and clan mortal and deadly feuds, descending from generation to generation. They usually went completely armed with a broad sword, a durk or dagger, a target, musquet, and pistols. Their dress consisted of a jacket and loose lower garment, with a roll of light woollen, called a *plaid*, wrapt around them so as to leave the right arm at full liberty. Thus equipped and accoutred, they would march forty or fifty miles in a day, sometimes even without food or halting, over

BORN. I
1689.

mountains, along rocks, through merrasses; and they would sleep on beds formed by tying branches of heath hastily and carelessly together. Their advance to battle was rapid; and after discharging their musquets and pistols, they rushed into the ranks of the enemy with their broad swords; and in close fight, when unable to use their ordinary weapon, they suddenly stabbed with the duck. Their religion, which they called Christianity, was strongly tinged with the ancient and barbarous superstitions of the country. They were universally believers in ghosts and præternatural appearances. They marked with eager attention the variable forms of their cloudy and changeful sky, from the different aspect of which they foretold future and contingent events; and, absorbed in fantastical imaginations, they perceived in a sort of ecstatic vision things and persons separated from them by a vast interval of space. Each tribe had its peculiar dogmas and modes of faith, which the surrounding clans regarded with indifference, or at most with a cold dislike far removed from the rancor of religious hatred: and persecution for religion was happily a species of folly and wickedness unknown and unheard of amongst them.

By extraordinary efforts of activity and valor, viscount Dundee, at the head of his gallant countrymen, made a rapid and alarming progress; and,

receiving great promises of support from the late king, he flattered himself with the vain hope of ultimately restoring the royal authority in North Britain. But being closely followed by general Mackay, who commanded for the reigning monarch in Scotland, after various marches and counter-marches, the two armies came to an engagement May the 26th, 1689, at the pass of Killcranky, some miles above Dunkeld. Such was the impetuosity of the Highlanders, incited by the conduct of their gallant chieftain, that the English troops were entirely broken in less than ten minutes. The dragoons fled at the first charge, and the whole train of artillery fell into the hands of the enemy. Nothing could be more decisive than the victory thus obtained, when a random shot put an end to the life of Dundee; and general Mackay, taking advantage of this unexpected and fortunate incident, rallied his men, and retrieved with great courage and address the battle thus to appearance irrecoverably lost. The Highlanders, struck with grief and consternation, were never after able to make head; and the clans, wearied with a repetition of misfortunes, at length almost universally laid down their arms, and took the benefit of the pardon offered by king William to those who should submit within the time limited in his proclamation. The duke of Gordon, also, despairing of relief, surrendered the castle of

BOOK I.
1689.

Battle of
Killcranky.

Death of
Dundee.

BOOK I. **1689.** Edinburgh at discretion on the 18th of June 1689: so that the whole island of Great Britain now acknowledged the sovereignty of the new monarch; but Ireland was far from following this example.

*State of
Europe.*

In order to form a just estimate of the political state of this kingdom as connected with Great Britain, it will be necessary to fix our previous attention upon the situation of affairs on the continent. The rising power of France, and the immeasurable ambition of its sovereign Louis XIV., had long excited the most serious apprehensions of the European potentates. Wholly negligent of the rules of policy, the pride of that monarch incited him to attempts no less insulting to the feelings, than injurious to the rights of his neighbours. Immediately on the conclusion of the peace of Nimeguen, Feb. 1678-9, two pretended courts of justice were erected, the one at Metz, the other at Brisac, under the appellation of "Chambers of Re-union," for the express and avowed purpose of enforcing the claims of the French monarch respecting those towns and districts which were said to be dependencies either upon the bishoprics of Metz, Toul, and Verdun or upon the countries ceded to France by the treaty of Nimeguen. The feudal proprietors and lords of those places were cited to appear in these courts, and in default of such appearance were

condemned for contumacy. It is evident that **BOOK 1**
 claims of this nature, enforced in this mode, must **1689.**
 be productive of the bitterest animosity and contention. On the refusal of Spain and the empire to surrender several places in Brabant, Alsace, and Lorraine, thus imperiously demanded, Strasburg was seized, and Luxemburg besieged. The highest offence and the highest alarm were also excited in Holland and the protestant states of Germany, by the repeal of the famous edict of Nantz, and the furious persecution now commenced against the Huguenots in France. Leopold emperor of Germany, the only prince in Christendom whose power could with any prospect of success be set in opposition to that of France, was engaged in a dangerous war with the Ottoman Porte, assisted by the mal-contents of Hungary; insomuch, that in the course of it the Turkish moons had been displayed before the walls of Vienna. But, in consequence of the splendid and memorable victory obtained there over the infidels by the heroic Sobieski, the war, conducted with the highest military skill by the duke of Lorraine, took an unexpected and very favorable turn; and the court of Vienna was now much more at liberty to fix her attention upon the bold and aspiring projects of France. In order effectually to counteract those daring designs, **League of Augsburg.**
 a league had been formed in the year 1686 at

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1689.

Augsburg, to which the emperor, Spain, Holland, Savoy, and the principal states of the empire both catholic and protestant, were the contracting parties. The accession of England was eagerly looked for to this grand alliance, of which the emperor was the nominal, but the prince of Orange the real, head; from whose firmness and wisdom it derived all its weight and energy. It is singular, that even the pope himself, Innocent XI., greatly favored this confederacy against Louis, from whose haughtiness he had received the most mortifying personal affronts, and who had, by recent violence, wrested from him the city of Avignon.

Invasion of
the Empire
by France.

Perceiving a war inevitable, the king of France did not wait for the attack, but in the month of October 1688, caused a numerous army, commanded by the dauphin, and under him by the Marechal de Duras, to pass the Rhine, which took possession with very little opposition of the cities of Philipsburg, Mannheim, Mentz, Spire, &c.; but he was wholly disappointed in his designs upon Cologne, which, rejecting the neutrality offered by France, admitted a garrison of 6000 men from prince Clement of Bavaria, recently chosen elector. The States General having nothing to apprehend therefore on that side; the prince of Orange was left at full liberty to prosecute his designs upon England. This sudden irruption was immediately followed by a manis

festo against the emperor, and a declaration of BOOK I
 war against Holland, accompanied nearly at the 1689.
 same time with similar declarations against the
 other contracting parties of the league of Augs-
 burg. And on the other hand, the states of the
 empire convened at Ratisbon passed unanimously
 a decree, pronouncing the crown of France with
 its adherents enemies of the holy Roman empire,
 for their manifold contraventions of the treaties
 of Munster, Nimeguen, &c. ; and declaring the
 war now undertaken to be a common war of the
 empire against the common foe of Christendom.
 The ravages committed by the French armies in
 the circles of the Rhine, and particularly the Pa-
 latinate, were dreadful in the extreme, and ex-
 cited throughout Europe the liveliest emotions of
 resentment and commiseration. Strong traces
 of their devastations are even yet discernible in
 many parts of that beautiful territory ; and on
 this spot at least, the memory of Louis XIV. must
 be for ever held accursed.*

* In speaking of the conduct of this dreadfully memorable
 campaign, M. Voltaire uses the following striking expressions :
 —“ L'Europe en eut horreur. Les officiers qui l'exécutèrent
 étaient honteux d'être les instrumens de ces duretés. On les
 rejetait sur le marquis de Louvois devenu plus inhumain par
 cet endurcissement de cœur que produit un long ministère. Il
 avait en effet donné ces conseils : mais Louis avait été le maître
 de ne les pas suivre. Si le roi avait été témoin de ce spectacle,
 il aurait lui-même éteint les flammes. Il aigna, du fond de son

BOOK I.
1689.

In the month of March 1689, the king, by a message, informed both houses of parliament, that the late king had sailed from Brest *with French troops*, in order to effect a landing in Ireland; on which a joint address was presented, declaring "that they would with their lives and fortunes assist his majesty in *supporting the alliances abroad*, in the reduction of Ireland, and in defending the religion and laws of the kingdom." And in the month of April the house of commons came to a more determinate resolution, "that in case his majesty thought fit to engage in the war with France, the house would give him all such assistance in a parliamentary way as should enable him to support and go through with the same." In the subsequent address founded on this resolution, they express their confidence, "that, through his majesty's wisdom, the alliances already made, and hereafter to be concluded, will be effectual to reduce the French king to a condition that it may not be in his power hereafter to violate the peace of Christendom." On this grand point, a deep and cordial sympathy united the monarch, the parliament,

palais de Versailles, et au milieu des plaisirs, la destruction de tout un pays, parcequ'il ne voyait dans cet ordre que son pouvoir, et le malheureux droit de la guerre; mais de plus près il n'en eût vu que l'horreur."

and the nation; and the king in reply declared BOOK I.
 in warm terms his satisfaction at this address, 1689.
 and professed "that he looked upon the war to
 be already so much declared by France against
 England, that the step now taken was not so
 properly an act of choice as of inevitable neces-
 sity and self-defence." And on the 7th of May
 following, 1689, war was in form declared against
 the French monarch.

War de-
 clared by
 England
 against
 France.

This was a measure which occasioned great joy
 to all the European courts confederated against
 France; and no less was looked for and expected
 from England. King William had on his acces-
 sion to the British throne written to the States
 General, "that his new dignity, instead of dimi-
 nishing the affection he ever had, or the care he
 ever took for the preservation and prosperity of
 their republic, would only serve to enable him to
 discharge his office of stadtholder with more weight
 and success towards the benefit and advantage of
 their state; and that during his reign he would
 make it his constant business and endeavour to
 establish and maintain a perfect intelligence, as
 also an inviolable friendship, between his kingdoms
 and the United Provinces, for the safety, welfare,
 and repose of both states; and support of the pro-
 testant religion." And throughout the whole
 course of his reign, agreeably to the tenor of this
 declaration, he exerted his utmost influence to

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1689.

Generous
Reception
of K. James
by Louis
V.

unite the efforts, to consolidate the interests, and to identify the aims of the two countries, of which he was the common guardian and head.

On the abdication of James, and his subsequent arrival in France, he had been received by Louis with an hospitality and kindness approaching even to ostentation. The palace of St. Germain was assigned him for his residence, his household supported with great magnificence, and hopes, or rather assurances, were given him that he should be speedily re-established on the throne of England. The conduct of James, however, in this situation, discovered no symptoms either of spirit or understanding. He showed little sensibility at the loss of his crown. His faculties were absorbed in the most abject superstition and bigotry. His favorite occupation was holding conferences with the jesuits, into which order he had been initiated, on the mysteries of religion; and of the personal courage which had distinguished him in his early years no traces were discernible. He became the theme of the public contempt and derision in France; and the sarcastic remark was every where circulated of the archbishop of Rheims, brother to M. Louvois, who seeing this monarch returning from chapel with his priests about him exclaimed aloud, "There goes a pious soul, who has abandoned three kingdoms for the sake of a mass!" The extreme bigotry of Louis

prevented, however, his seeing the character of James in its most odious and ridiculous point of view : and great naval and military preparations were made with the purpose of accomplishing the promise of his restoration. Early in March, a fleet of fourteen ships of the line was collected at Brest, on board of which James embarked with a considerable body of troops, Irish, French, and English, commanded chiefly by French officers, under M. Rosen, a general of approved skill and courage. ' At parting, the king of France, embracing with demonstrations of high regard the king of England, said, " The best thing I can wish your majesty is, that I may never see you again." The whole armament arrived safely at Kinsale, where a landing was effected without opposition March 22, 1689.

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1689.

Invasion of
Ireland by
the French.

The conduct of the earl of Tyrconnel had been peculiarly artful and insidious, having intentionally excited in the English government amusive hopes of submission, for the purpose of delay ; so that no timely measures were taken to guard the coasts of Ireland against invasion. At an extraordinary council held at the castle of Dublin, immediately consequent to the desertion of James, the chief justice Keating, a protestant, declared that it would be in vain to contend with the ruling powers—that Ireland must necessarily follow the fortunes of England—and exhorted the lord lieu-

BOOK I.
 1689.
 Treachery
 of Tyrcon-
 nel.

tenant to a wise and honorable accommodation. Tyrconnel heard his advice with seeming temper and moderation; and, professing to enter into these ideas, he proposed to lord Montjoy, a man of abilities and of great consideration amongst the protestants, to accompany the chief baron Rice, a furious papist, little likely to regard honor or keep faith with heretics, to represent to king James the weakness of Ireland, and the necessity of yielding to the times, and of waiting a more favorable opportunity to avail himself of the services of his Irish subjects—swearing solemnly to Montjoy, that he was in earnest in this message, and that he knew the court of France would oppose it to the utmost of their power; for, careless of the interest and indifferent even to the destruction of Ireland, it sought merely to give to the arms of the prince of Orange a temporary diversion. With generous indiscretion, Montjoy, against the advice of his more wary friends, accepted this hazardous commission. But on his arrival in France he had full proof of the treachery of Tyrconnel, being himself immediately committed to the Bastile. It is notwithstanding very possible that Tyrconnel might have been originally inclined to submission; and it seems not easy to conjecture why his disposition in this respect was not brought to an early and decisive test. On being urged to recognise the new go-

vernment, he declared "that the government itself had not required it of him—Would you, he exclaimed, "have me throw my sword over the castle walls?"

BOOK
1689.

In consequence of the ambiguous aspect of affairs in Ireland, lieutenant general Hamilton, an Irish officer of great address, and at this time a prisoner of war, having served in the armies of France, was at his own desire suffered to go on his parole to Ireland, with a view to persuade Tyrconnel to surrender the government. But if there was any previous indecision in the counsels of the lord lieutenant, it vanished on his interview with Hamilton, who, with the most profligate desertion of every principle of honor, used all imaginable arguments to confirm him in his attachment to king James, and exerted himself with the utmost ardor and activity in support of the same cause. On the arrival of the abdicated monarch in Ireland, the whole kingdom seemed to be at his devotion. Tyrconnel had disarmed the protestants, and assembled an army of 40,000 catholics well provided by means of the supplies sent from France; and about the end of March, James made his public *entree* into Dublin, amid the acclamations of the inhabitants, being met at the castle-gate by a procession of popish bishops and priests in their pontificals, bearing the host,

K. James
makes his
Entry into
Dublin.

BOOK I. which the king publicly adored ; after which he
1689. assisted at a solemn *Te Deum*.

Battle of
Bantry Bay.

The court of London now endeavored to compensate for its former remissness by the vigor of its present exertions. A powerful squadron under admiral Herbert was fitted out with all expedition, in hope of intercepting the French fleet on its return ; and on the first of May he came in sight of the enemy, then lying at anchor in Bantry Bay. Perceiving an engagement inevitable, the French bore down in a regular line of battle ; but the English admiral not being able to gain the wind, the ships fought at a great distance, and the engagement was extremely indecisive, both sides as usual in such cases boasting of the advantage : and admiral Herbert having made every possible effort, king William pleasantly remarked, “ that in the commencement of a war it might be allowed to pass for a victory.” But the French were with some reason elated with the success of the Irish expedition ; the count de Château-Renaud, commander of the fleet, having landed his troops, repulsed the enemy, taken several rich prizes, and brought his ships back to Brest in good condition and without loss, in the short space of about six weeks. The land forces destined for the reduction of Ireland being not yet in readiness, king James reigned without control, and almost

without resistance in that country. A parliament was convened by him to meet in Dublin on the 7th of May (1689), by which the famous act of settlement, passed soon after the Restoration, was immediately repealed with loud acclamations of triumph, and scarcely a shadow of opposition. By this repeal, two-thirds of the protestants in the kingdom, who had now for near forty years held their estates in virtue of the arrangement made at the termination of the civil wars, and subsequently modified and confirmed by the authority of king and parliament, were deprived of them, without any exception or consideration whatever for those who had made purchases under the existing laws. Even the estate of sir Phelim O'Neill, the famous rebel, was unconditionally restored to his heirs. In the upper house, the bishop of Meath ventured to urge some objections against both the principle and the provisos of the bill. This prelate observed, "that no penalty was enacted against such as should enter estates without injunctions—no consideration for improvements—no saving for remainders—no time given for the removal of the stock of cattle or corn—no provision for widows." "Either," said he, "my lords, there was a rebellion in this kingdom in 1641, or there was not. If there was none, God forbid that I should open my mouth in defence of the injustice of which we have been guilty! But what shall we in this case

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1689.

Pretended
Parliament
of Ireland
convened
by King
James.Act of Set-
tlement re-
pealed.

BOOK I.
1689. say to the declaration of his majesty's royal father, the late king Charles I. who in his *Icon Basilike* affirms positively that there was a rebellion; and passed an act to secure those who would advance money for the suppression of it? What indeed shall we say to the bill now before the house; which acknowledges a rebellion, though it extenuates its criminality? If then there was a rebellion, how can those concerned in it pretend a right to the restoration of their estates, except by an act of grace or pardon? But here is a bill which makes no distinction between the guilty and the innocent: one is to be put in as good a condition as the other. Can your lordships imagine it is reasonable to do this, when we all know that a court of claims has been instituted for the protection of those who were unjustly accused; that claims have been actually heard and adjudged in this court on a full hearing, without any imputation of partiality?" The chief supporter of the bill in the house of lords was the lord chancellor Fitton; a wretch, if possible, more infamous than the English chancellor Jeffries, and who had been taken from prison, where he had lain several years a convicted felon under punishment for the crime of forgery, and placed by king James at the head of the law department in Ireland, with no other merit than that of an outrageous zeal for popery, com-

bined with the most abject subserviency to the mandates of the court. Sitting in the capacity of judge, he over-ruled all rules of practice and pleas of law—declaring that the chancery was above all laws, and that no law should bind his conscience. Where any difficulty occurred, it was not a lawyer but a divine, as he affirmed, who must resolve it. Such was the advocate of the bill of repeal; which, passing with no farther opposition of consequence, received the royal assent—the king paying no sort of attention to the petition presented to him by the earl of Granard in behalf of the purchasers under the act of settlement. This was followed by an act attainting all protestant absentees; the attainder also reaching all such as from and after the 1st of August 1688 corresponded with any who were in actual rebellion, or who were any ways aiding, abetting, or assisting thereto; *i. e.* the whole body of Irish protestants, who were universally attached to the new revolution government, and who were thus condemned to suffer the penalties of death and forfeiture. The severity of this act has been said to exceed that of the famous proscription at Rome during the last triumvirate; and by a barbarous and bloody clause, inserted, if not at the express instance, at least with the previous approbation, of James, as no one without knowing his pleasure would have dared to attempt a limitation of his preroga-

BOOK I.
 1689.

Extraordi-
 nary Act
 of Attain-
 der.

BOOK I.
1689.

tive*, the monarch was debarred the power of pardoning after the last day of the ensuing month of November 1689—the pardon if not enrolled previous to that time being declared absolutely

* We are informed by archbishop King, “ that there were only four or five protestant lords temporal, and four spiritual lords, sitting in this parliament, and that the house of commons was filled in such a manner that only two protestants, such as deserved the name, were in it. By this means the parliament openly professed itself a slave to the king’s will ; and he was looked on as factiously and rebelliously inclined that would dare to move any thing after any favorite in the house had affirmed that it was contrary to the king’s pleasure.”

State of Protestants in Ireland, p. 172.

In the Memoirs of King James, written by that monarch, or under his immediate inspection, it is indeed affirmed, “ that the fear of disgusting the Irish catholics, on whom he wholly depended, and the hopes of recompensing such protestants as suffered by the act for rescinding the acts of settlement, induced the king at last to give his royal assent, *though he saw it was highly prejudicial to his interest.* Nothing but the unwillingness to disgust his only friends could prevail with him to foreclose himself in the act of attainder from the power of pardoning those comprised in it.”

M’PHERSON’S State Papers.

It does not however appear, from any authorised facts, that the least effort was made by James to counteract the barbarous and detestable proceedings of this pretended parliament. Nor is any other reason ever assigned by him throughout these Memoirs for his disapprobation of the most inhuman atrocities—of the acts of a Jeffries, a Rosen, or a Fitton—than the apprehension “ that they would prove prejudicial to his interest.” —“ It is remarkable,” says sir John Dalrymple, “ that in all the letters of James published by me, and in above a hundred more which are in king William’s cabinet or Dr. Morton’s

null and void. Another act was passed, of a very BOOK I.
 different and much more ambiguous nature, to 1689.
 abolish the dependency of Ireland upon the parliament of England, and to prohibit the trans-
 possession, there is scarcely one stroke either of genius or
 sensibility to be found." The petition presented by the earl
 of Granard against the repeal of the act or acts of settlement,
 the original act being followed by an act of explanation, was
 drawn up in a very masterly manner by chief justice Keating.
 It may be found at length in Ralph's Historical Collections.
 "It were," say the petitioners, "a hard task to justify those
 acts in every particular contained in them; but if it be consi-
 dered, that, from October 1641 until May 1660, the kingdom
 was in one continued storm, that the alterations of possessions
 were so universal, and properties so blended and mixed by
 allotments and dispositions of the then usurping powers, it may
 well be concluded that they must be somewhat more than men
 that could frame a law to take in every particular case. But
 if it shall be found that they enjoy any thing without legal title,
 or have done any thing that may forfeit what they have pur-
 chased, they will sit down and most willingly acquiesce in the
 judgments. But to have their purchases made void, their lands
 and improvements taken from them, their securities and assur-
 ances for money lent declared null and void by a law made *ex
 post facto*, is what was never practised in any age or country.—
 The purchaser ought to be wary of any flaw in the title at the
 time of the purchase made, and purchases at his peril if any
 such there be. But who is that purchaser that must beware of
 a law to be made twenty, thirty, or forty years after his pur-
 chase? This is not a defect in title, but a precedent which no
 human foresight could prevent; and if once introduced, no
 purchaser can ever be safe. 'Tis manifest, if this bill proceed,
 all the protestants in the kingdom are undoubtedly and without
 reserve ruined."

BOOK I.
1689.

mission of all writs of error and appeal to the English courts of judicature. A bill was also introduced for the repeal of Poyning's law; but this the king angrily resisted. A law was indeed enacted for liberty of conscience; but as this indulgence was not to take place till after the legal massacre of the protestants, it seemed only calculated to add insult to injury. A royal proclamation was about the same time issued, forbidding above five protestants meeting any where upon pain of death; and the question being submissively asked, whether this prohibition extended to the churches, colonel Luttrell, governor of the city, declared that it was intended to prevent their assembling there as well as in other places; in consequence of which the protestant clergy were universally silenced, and the religious assemblies of the protestants every where discontinued.

Memorable
Resistance of
Londonderry.

In the north of Ireland only was any show of resistance discernible. The city of Londonderry almost singly adopted the heroic resolution of shutting its gates against the late king James, braving all the horrors of a siege with a very distant prospect of relief. One Lundy had been appointed governor of this place, who appears to have been either a coward or a traitor—perhaps both. At a council of war, this officer declared his opinion that the place was not tenable; and a

message was sent to the king, now far advanced on his march to the city, containing proposals of negotiation ; and to request that the army might halt at the distance of four miles from the town : but James, full of resentment and indignation at their having presumed to entertain an idea of resistance, continued his march, in violation, as it is affirmed, of a previous agreement signed by general Hamilton, and in the evening of the 18th of April encamped under the walls of the city. The besieged, exasperated at this refusal to treat, made a furious sally, and compelled the king's forces to retire to St. John's Town in great disorder. Lundy, the governor, finding himself the object of the popular rage, and perceiving his schemes completely frustrated, made his escape in disguise ; and the inhabitants chose major Baker, and Mr. Walker a clergyman, joint governors, who prepared for the defence of the place with a resolution equal to any instance of the kind recorded in history. The city was very imperfectly fortified, the cannon wretchedly mounted ; they had not one engineer to direct their operations : the garrison were strangers to military discipline ; they were destitute of stores, and exposed to the attack of a numerous and enraged enemy, provided with all the implements for a regular siege, with the king at their head to incite their most ardent exertions. Yet no one in this dreadful exigency but disdained

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the mention of a surrender, while Walker pointed to the holy fanes, and Baker to the lofty bulwarks which surrounded them. The batteries were immediately opened; but in every attack the besiegers were repulsed with loss. Unhappily in a short time the garrison and inhabitants had the additional calamities to contend against; of a contagious disorder and a scarcity of provisions, which by degrees arose to an absolute famine with all its concomitant horrors. Wearied with the obstinacy of these refractory and determined people, the king withdrew to Dublin, and left the command with Rosen, who thundered out the most tremendous menaces in case they any longer delayed their submission—declaring that he would raze the town to its foundations, and destroy all the inhabitants without distinction of age or sex. Finding these barbarous threats ineffectual, he ordered all the protestant inhabitants of the vicinity, to the amount of several thousands, to be drawn under the walls of Londonderry, there to perish if the refusal to surrender was persisted in; and at the same time declared, that he would lay the whole country waste if any attempt was made for their relief. The bishop of Meath having remonstrated to the king in person against these unheard-of cruelties, James replied, “that general Rosen was a foreigner, and used to these proceedings, which, though strange to us, were common

in other places—but that he had already ordered him to desist.” At length a prospect of relief appeared. An armament from England appeared in the Lough, having on board a considerable body of troops, commanded by general Kirke : but the enemy had erected batteries opposite the ships, and thrown a boom, composed of timber, chains, and cables, across the narrow part of the river, so that it was very doubtful whether the passage could be forced. Taking advantage however of a favourable gale, the Montjoy boldly sailed athwart and broke the boom ; though she was run a-ground by the violence of the shock. But firing a broadside at the enemy, who attempted to board her while in this situation, she cleared herself and righted in a most extraordinary manner, and passed the boom, followed by the Phœnix and Dartmouth. They now continued their voyage, without farther molestation, to the city, where they were received with transports of joy and acclamation—the garrison being reduced to the very last extremity of distress. M. de Rosen immediately raised the siege, July 31, 1689, with the greatest precipitation, having lost 8 or 9000 men before its walls, with more than 100 officers. The heroic defence of Londonderry was attended with the most important consequences ; and had it taken place in a more conspicuous scene of action, it might have ranked

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Siege of
London-
derry
raised.

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with the most celebrated military events of the same kind in the present or any other age—with the sieges of Haerlem, of Leyden, or Rochelle. The town of Inniskillen also distinguished itself by a very gallant and successful resistance, of which a minute, and, now that more than a century has intervened, somewhat tedious detail is to be found in the histories of the time.

Unpros-
perous
Campaign
under M.
Schom-
berg.

On the 12th of August, Maréchal Schomberg, a general of great reputation and experience, who had accompanied king William on his expedition to England, and who was now appointed to the chief command of the army destined for the relief of Ireland, landed with his troops, amounting to about 16,000 men, at Carrickfergus. After taking possession of the towns of Carrickfergus and Belfast with little opposition, he began his march to the southward. Upon his approach the Irish abandoned Newry, a strong post, and Dundalk; and here, in a situation very ineligible, M. Schomberg encamped his army in a low moist ground, having the town of Dundalk and the river towards the south, the Newry mountains to the east, and to the North, hills and morasses intermixed. We are told that the maréchal meant to have continued his progress, but was disappointed of his train of artillery, which was to have been embarked at Chester for Carlingford. The army, therefore, remained wholly inactive during the autumnal months at Dundalk: and inactivity is

scarcely less destructive to an army than the bloodiest succession of battles. Rosen, hearing that the English general halted at Dundalk, said he was sure Schomberg wanted something, and ventured to advance as far as Ardee. Not choosing, however, to attack the English in their entrenchments, he contented himself with parading in front of their camp; but no provocation could induce Schomberg to engage, being much inferior in force, and conceiving the loss of a battle to be the loss of Ireland. This conduct was by no means approved by many of the English officers, who saw with indignation the ranks of the army dreadfully thinned by hunger, sickness, and the inclemency of the weather. They said the commander in chief formed his estimate from the numbers of the enemy, and not from their skill and courage. King William repeatedly urged him in his letters to put something to the hazard, but he would not deviate from his plan of defence. This general was now more than fourscore years of age: with him consequently the season of ardor and enterprise was passed; his reputation was fully established; and after so many victories as had distinguished his military career, he would not risque the disgrace of a defeat from an army of Irish rebels. In the mean time, a detachment of the Irish army under colonel Sarsfield, accounted their best native officer, siezed on the town of Sligo, important both

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by its strength and situation. Winter approaching, both armies went into quarters, to the great discontent of the English nation, who had formed very high and probably extravagant expectations from the skill and conduct of the general.

Session of
Parlia-

The parliament of England met, after a very short recess, on the 19th of October 1689, and the session was opened by a very popular and excellent speech from the throne, which was remarkable for being the composition of the king himself, who produced it unexpectedly on the day preceding at the council board, written with his own hand. “ He did not,” he said, “ engage in the war into which they had just entered out of a vain ambition, but from the necessity of opposing the designs that were formed against us. It was well known how far he had exposed himself to rescue this nation from the dangers that threatened not only their liberties, but the protestant religion in general, of which the church of England was one of the greatest supports; and for the defence whereof he was ready again to venture his life. He urged the necessity of providing liberal supplies at the most early period, there being a general meeting appointed at the Hague of all the princes and states confederated against France, in order to concert the measures for the next campaign; and till the determinations of the English parliament were known, their determinations must be necessarily suspended. He concluded with

recommending in strong terms a bill of indemnity, that, the minds of his good subjects being quieted, they might all unanimously concur in promoting the welfare and honor of the kingdom." In return, the house of commons expressed their unanimous determination to prosecute the war against the French, in conjunction with the allies, with vigor and effect: and a large supply was immediately voted. A committee was then appointed to examine who were the advisers and prosecutors of the *murders* of Russel, Sydney, Armstrong, &c. and who were chiefly concerned in the arbitrary practices touching the writs of *quo warranto*, and the surrender of charters. This enquiry was levelled at the marquis of Halifax, who had a short time before resigned his office of speaker to the house of lords, and now saw the necessity also of relinquishing the privy seal, and withdrawing entirely from court, regretted only by the king. Perceiving himself the object of the detestation of the whig party, he now endeavoured to reconcile himself to the tories, who were glad to avail themselves of his abilities, though they despised his tergiversations, and placed no confidence in his sincerity. The whigs had on several occasions given much offence to the king, particularly by their pertinacious resistance to the bill of indemnity, and their invincible reluctance to settle a permanent revenue on the

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Corpora-
tion Bill.

crown; by means of the first holding the rod over their adversaries the tories, and by the last keeping the crown itself in dependency. On the other hand, the tories had paid uniform and assiduous court to the king; and the earl of Nottingham in particular had, as bishop Burnet affirms, furnished the king with a scheme of all the points of the prerogative, and their connection with each other, and which he insinuated the whigs designed systematically to attack. And at this very period pressing instances were made by the tories to the king to dissolve the present parliament—lavishing promises and professions of loyalty and attachment, should the king transfer the powers of government to them. These court intrigues coming to the knowledge of the whigs, a bill was introduced by them into the house of commons for restoring corporations to their rights and privileges. The chief strength of the whig interest lay in the corporation boroughs and commercial companies—the gentlemen of large landed property being for the most part tories. In this bill was inserted the following clause, dictated by the spirit of party violence—“that every mayor, recorder, &c. of any city or borough, who did consent to or join in the surrender of any charters, or did solicit or contribute to the charge of prosecuting any *scire factas* or information in the nature of a *quo warranto*, shall be judged incapable of holding or

executing any office of trust in such capacity for the space of seven years." This was opposed by the whole strength of the tory party, as a clause fatal to their interest. After a fierce contest, the clause was negatived by a small majority, the influence of the court being powerfully exerted against it. In this state the bill was transmitted to the lords, by whom it was still farther modified and meliorated, though not without much debate and difficulty. The tories, however, had persuaded the king, that to give his assent to the bill, even in its present form, would be a virtual surrender of himself to the whigs. Resolved, therefore, to risque the consequences of a rupture with the latter, he went to the house of peers on the 27th of January 1690, and, after announcing his intention to repair in person to Ireland, prorogued the parliament to the 2d of April: but on the 6th of February a proclamation was issued for its dissolution, and a new parliament summoned to meet on the 20th of March 1690.

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Parliament
dissolved.

The king was so chagrined and embarrassed at the necessity he felt himself under, in consequence of the introduction of the corporation bill, of throwing himself into the hands of one or other of the two state factions, so opposite to his policy of balancing and mediating between them, in order to maintain his just authority over both, that we are told, by bishop Burnet, he entertained serious intentions at this period of retiring to Hol-

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 1690. and that the marquis of Carmarthen and the earl of Shrewsbury, by the force of their eloquence, dissuaded him from carrying this design into execution*.

Proclamation
 against General
 Ludlow.

While the parliament was yet sitting, the famous general Ludlow, a member of the high court of justice which passed a too justly merited sentence, though by a very questionable authority, on king Charles I., unexpectedly made his appearance in England, with a view of being employed in Ireland, where he had formerly served with great reputation. Being excepted in the act of indemnity passed at the Restoration, he had retired to Vevay in Switzerland, where he had resided many years under the generous protection

* It is, indeed, not improbable that in the first emotions of his vexation and resentment, the king, who was subject to occasional gusts of passion, might throw out violent and menacing expressions in the presence of these noblemen; but he was too much accustomed to struggle with difficulties, and possessed too much fortitude of mind to think seriously of executing such a project. Wearied and provoked no doubt at the "ingratitude of base mankind," he once told the duke of Hamilton, as lord Balcarras informs us, "that he wished he were a thousand miles from England, and had never been king of it." On another occasion he declared to the marquis of Halifax, "that all the difference he knew between the two parties was, that the tories would cut his throat in the morning, and the whigs in the afternoon." These, however, were the indiscreet and angry effusions of the moment. The king knew well the permanent dislike which the tories in general harboured against his person and government, and that zealous attachment to both which characterized the great body of the whigs.

of the lords of the council of Berne. His paternal seat and estate, at Maiden Bradley in Wilts, was held under a grant of the crown by sir Edward Seymour, a member of the house of commons, and a distinguished leader of the tory party, who took the first opportunity of representing to the house "how highly it reflected on the honor of the nation, that one of the regicides of that blessed sovereign, whose death was regarded by the church of England as a martyrdom, should not only be suffered to live unmolested in this country, but also entertained with hopes of preferment." Upon this the commons voted an address to the king, to issue his royal proclamation for the apprehending general Ludlow, which the king complied with, but not till Ludlow was safely arrived in Holland, whence he returned to his former residence at Vevay; where he wrote his celebrated Memoirs, which no unprejudiced person can read without being impressed with a high idea of his courage, constancy, patriotism, and probity.

The dissolution of the convention parliament was a severe blow to the whigs, who had given mortal offence by the late corporation bill to great numbers of individuals, who, though moderate in principle, had been more or less involved in the proceedings of the late reigns. On the return of the writs, it appeared that a great majority

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Meeting of
the new
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of tories were elected. The king's displeasure at the whigs appeared by the dismissal of the lords Monmouth and Delamere from the treasury, of which sir John Lowther, created earl of Lonsdale, was appointed first commissioner, Mr. Hampden acting as chancellor of the exchequer. The complexion of the new parliament at once appeared by their choice of sir John Trevor as speaker, who had occupied the same office in the only parliament held in the late reign. In his speech, the king, after repeating the former declaration of his intention to prosecute the war in Ireland in person, urged upon them the settlement of the revenue, and informed them, that having often unavailingly recommended a general indemnity to the last parliament, he now proposed sending them an act of grace, with such exceptions only as might be sufficient to shew his great dislike of their crimes. He made mention of an union between England and Scotland, as an event which would be productive of great benefit to both nations; and the parliament of Scotland having nominated commissioners for that purpose, he wished that commissioners might be nominated by the English parliament to treat with them.

Though the tory interest predominated in the new parliament, the whigs retained sufficient influence to prevent the revenue being settled for life: but a sort of compromise took place between

the parties, and it was agreed that the hereditary excise should be granted for life, and the customs for four years from Christmas 1690; with which the king appeared tolerably well satisfied. The first great trial of strength between the two parties was occasioned by a bill introduced by the whigs into the house of lords, recognising their majesties as the rightful and lawful sovereigns of these realms, and declaring all the acts of the last parliament to be good and valid. This reduced the tories to an unpleasant dilemma. The words "rightful and lawful" were strongly objected against, and by the too easy consent of the house dropped as superfluous*. It would perhaps have been wise not to have added to the causes of irritation by offering

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Conflict of
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* Nevertheless bishop Burnet, with his usual and characteristic inaccuracy, affirms "that these words passed with little contradiction." The *History* of this prelate is in fact a sort of loose and confused political diary, written apparently from vague *memorandums* and imperfect recollection, though in many parts highly interesting and entertaining. Sir John Reresby informs us, "that the earl of Danby declared to him, that as to the terms rightful and lawful, they were mere nonsense—for that, had the prince of Wales been made king, he could never have been deemed our lawful sovereign while his father lived. His lordship condemned, nevertheless, the bishops for their *squeamishness* about taking the oaths; expressing his concurrence with lord Nottingham, that as his *highness* was here, and we must owe our protection to him as king *de facto*, he thought it just and legal to swear allegiance to him." Such were the heads of the present administration.

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Act of Ne-
gotiation.

these obnoxious words: but the rejection of them when offered was peculiarly unfortunate. The disaffected clergy, who endeavoured to establish the distinction of a king *de jure* and a king *de facto*, boasted, with some appearance of reason, that they were fully justified in this distinction—for even the parliament itself would not venture to declare the king a rightful and lawful sovereign. As to the latter clause, the tories would only consent to enact, that the laws passed in the last parliament should be good for the time to come—absolutely refusing to declare them valid for that which was past. After a vehement debate the bill was committed: but the declaratory clause was lost on the report by six voices; which gave rise to one of the most able and decisive protests recorded on the journals of the house of peers; at the conclusion of which the protesting lords thus express themselves: “If the last was no parliament, and their acts no law, the nation is engaged in a war without the consent of parliament, the old oaths of supremacy and allegiance remain in force, and the nation forced under color of law to swear fidelity to king William. The peers and commons now assembled are under a perpetual disability; and the nation is involved in endless doubts and confusions, without any legal settlement, or possibility to arrive at it, unless a parliament be summoned by king James’s writ, and

the oaths of allegiance taken to him." In consequence of this seasonable and vigorous exertion the clause was ultimately restored ; upon which the tory lords, headed by the earl of Nottingham, signed a protest in their turn; in which they affirm, that the declaring of laws to be good which were passed in a parliament not called by writ in due form of law, is destructive of the legal constitution of the monarchy. This protest gave such offence, that the whigs moved, and triumphantly carried, a resolution for expunging it from the journals of the house. On the transmission of this bill to the commons, the tories thought it expedient to decline the contest. And when a solitary member on that side presumed to question the legality of the convention, as not summoned by writ, Somers the solicitor general answered with great warmth and spirit, "that if the convention parliament was not a legal parliament, they who were then met, and who had taken the oaths enacted by that parliament, were guilty of high treason—the laws repealed by it were still in force—they must therefore return to their allegiance to king James. All the moneys levied, collected, and paid, by virtue of the acts of that parliament, made every one concerned in the execution of such acts highly criminal." Struck with the irresistible force of these arguments, the house passed the bill without further debate ; and thus,

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as it has been remarked, "the tories themselves gave the last hand to that settlement which they had hitherto affected both to consider and represent as illegal*."

The intemperate violence of the whigs led them to another measure still more obnoxious to the tories than the former. This was a bill requiring from all persons holding offices, ecclesiastical, civil, or military, an oath *abjuring* the late king James and his title. The reigning monarch, guided by the rectitude of his understanding and the moderation of his temper, entirely disapproved this bill, of which he caused an intimation to be given to the house of commons, recommending to them "to go to other matters that were more pressing;" and on a division it was rejected by a majority of 192 to 165 voices.

The bill for reversing the judgment on a *quo warranto* against the city of London, for restoring it to its antient rights and privileges, and declaring the charters granted since the late judgment null and void, passed, with a proviso, that the act should not be construed to affect any of those persons who had acted as magistrates in virtue of those charters without the legal qualifications†. Another bill, the counterpart of the former, soon followed, ordering the 500*l.* for-

* Ralph, vol. ii. p. 197.

† Ditto p. 199.

feitures, to which those persons were liable who BOOK I
1690. had acted in any civil or military capacity in the late reign, in violation of the test laws, to be paid into the exchequer ; so that, notwithstanding the clamorous opposition of the whigs, the high-church party were to be screened, and the dissenters punished, for offences precisely similar.

The session concluded May 21, 1690, with the Act of
Grace. act of grace announced by the king, which passed without debate, division, or amendment in either house—the whigs, as it should seem, being wearied with fruitless opposition, and not choosing longer to thwart the king's inclination on this favorite point. On the first reading of the bill, April 26, in the upper house, and while they voted, all the lords stood up uncovered. Some of the more remarkable exceptions in the act of grace were, the marquis of Powis ; the earls of Sunderland, Melfort, Huntingdon, and Castlemain ; lord chief justice Herbert ; the bishops of Durham and St. David's ; the judges Withers, Jenner, and Holloway, &c. in all about thirty ; and of these it does not appear that any were prosecuted to conviction, excepting such as were afterwards concerned in plots against the government. The light in which this extraordinary and indeed too indiscriminate lenity appeared to the zealous whigs, strikingly appears from a passage in a famous political tract of those times, written by

BOOK I. lord Delamere: " May I not reckon as treacheries," says his lordship, " the advices and solicitations to our king, to send a general bill of grace and free pardon, and without regard to exemplary justice, for those treasons and murders and other high-crimes committed before his coming hither ?—The exception made of a few, such as they are, without naming or distinguishing their crimes, without enacting any course for their prosecution, and without exemption from common pardons at pleasure, could amount to no more than to make the people hope in vain for some vindication of public justice. Time has shewn the craft of this contrivance, by the indemnity of all the persons excepted that are not since in rebellion against our king. No process has issued against any of them ; not a penny of their estates, nor one hair of their heads, hath been touched, and several of them have ever since sat in the house of lords as our legislators."

Triumph of
the Tories.

The earl of Shrewsbury was so highly disgusted at the turn things had now taken, that he determined upon resigning the seals as secretary of state, not yielding even to the pressing entreaties of the king to retain possession of them till his return from Ireland. Affairs were now entirely in the hands of Carmarthen and Nottingham, who were regarded as the heads of the high-church and tory party, who hated the whigs as republicans

and levellers, and by whom they were equally and reciprocally detested as men of intolerant, arbitrary, and despotic principles.

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On the 4th of June 1690 the king set out for Ireland, attended by the prince of Denmark, the duke of Ormond, and many other noblemen and gentlemen, and on the 14th arrived at Belfast, where he was met by maréchal Schomberg. That general had obtained several advantages during the winter campaign. Colonel Wolseley, at the head of a detachment of 1500 infantry and 1200 cavalry, had charged sword in hand and totally routed a body of 7 or 8000 Irish—an exploit which did not tend to remove the opinion previously entertained of the too great caution of the commander in chief. The important post of Charlemont was reduced, and several others less considerable; so that, upon the whole, the province of Ulster was nearly recovered. Advice of a prudential nature, conformably to the slow and dilatory system on which the war had been hitherto conducted, being offered again in council respecting the future operations of the army, the king declared “that he did not come to Ireland to let the grass grow under his feet.” On a general review of the troops on the arrival of all the reinforcements, they were found to amount to no less than 36,000 effective men, English and foreigners. The king immediately began his march to Dun-

King embarks for Ireland.

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dalk, afterwards advancing to Ardee. Struck with the fertility and beauty of the surrounding prospects, he exclaimed, "This is a country worth fighting for!" The Irish, with the late king at their head, quitted Ardee upon his approach, and repassed the Boyne, encamping in a very advantageous situation on the southern banks of the river. The Irish army was by no means equal even in number, and much less in courage or discipline, to that of the English. But James, contrary to the advice of his officers, who proposed strengthening their garrisons and retiring beyond the Shannon, was determined to risque a general engagement on this spot. The river was deep, and rose high with the tide; and his front being farther secured by a morass and rising ground, he could not be attacked without manifest disadvantage; so that he expressed much confidence of success, and declared the satisfaction he felt in this opportunity of fighting one fair battle for his crown. On the 30th of June king William encamped at break of day with his whole army on the northern side of the Boyne, with a full resolution, notwithstanding the remonstrances of *maréchal Schomberg*, to pass the river and attack the enemy on the next day. Upon reconnoitring the enemy's camp, the king made at one place so long a stop, that it was perceived by a party of horse on the opposite side; who bringing a couple of

field-pieces to bear upon him, at the first discharge killed a man and two horses very near to his person, and by the second the king himself was slightly wounded, the ball grazing his right shoulder. This William treated as a trifle, but it occasioned great confusion amongst his attendants; and the report of his death flew rapidly to Dublin, and even to Paris, where it was celebrated with bonfires and illuminations. The king rode through the ranks by torch-light, previous to his retiring to his tent, in order by ocular demonstration to excite the most perfect conviction of his safety. The plan of the battle, without any previous communication, being transmitted by the king to *maréchal Schomberg* late in the evening, that general received it with marks of dissatisfaction and discontent—declaring that it was the first which had ever been so sent to him.

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Early in the morning of the 1st of July 1690, the army passed in three bodies at Slanes to the westward, Old Bridge in the centre, and certain fords near Drogheda to the left. The different divisions of the English army seemed to vie with each other in gallantry, and with great resolution repulsed the attempts of the Irish to impede the passage. *M. Caillemotte*, a French refugee officer of great merit, receiving a mortal wound at the head of his regiment, was carried back to the English camp, and meeting others crossing the

Victory of
the Boyne.

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river, encouraged them by exclaiming: "A la gloire, mes enfans—à la gloire!" M. Schomberg perceiving the French protestants exposed, and in some disorder, from the loss of their commander, passed the river in haste without his armor, with all the ardor of youth, to put himself at their head. But the battle in this quarter being peculiarly hot and bloody, the *maréchal* in a short time fell; whether by the fire of his own men, as was generally believed, or of the enemy, could not in that scene of carnage and confusion be clearly ascertained. This celebrated personage was regarded as one of the first military characters of the age; and he possessed all the virtues and accomplishments of a hero. He was nobly rewarded in England, for services expected, rather than performed by him, with a dukedom and a parliamentary donation of 100,000*l*. Walker the clergyman, who had rendered himself so famous by his defence of Londonderry, also lost his life in this action, gloriously combating in the cause of his country. Inflamed by the irresistible impulse of military enthusiasm, he could not, after his brows had been encircled with the laurel wreath of victory, reconcile himself to his former habits—and with him the GOWN ceded to ARMS. The courage, activity, and presence of mind of the king himself, were extremely conspicuous during the whole of this engagement; in the course of which he repeatedly

charged the enemy sword in hand. An English soldier in the heat of the battle pointing his piece at the king, he turned it aside without emotion, saying only, "Do you not know your friends?" The day was far advanced, when the Irish at length began to retire on all sides; and general Hamilton, who commanded the horse, making a furious charge, in the desperate hope of retrieving the battle, was wounded and taken prisoner. On being brought into the presence of the king, who knew him to be the life and soul of the Irish army, William asked him "if he thought the enemy would make any farther resistance?" to which Hamilton replied "Upon my *honor*, I believe they will." The king eyeing him with a look of disdain repeated "Your *HONOR*!" but took no other notice of his treachery. The Irish now quitted the field with precipitation; but William having neglected the advice of M. Schomberg to secure the pass of Duleek in the rear, they suffered little comparative loss in their retreat, which was covered by the French and Swiss troops under M. de Lauzun. The king also, recalling his troops from the pursuit, expressed himself averse to the unnecessary effusion of blood.

The rival monarch, far from contending for the prize of empire in the same spirit of heroism, kept his station with a few squadrons of horse on the hill of Dunore, to the south of the river,

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King James
abandons
Ireland.

viewing through a telescope from the tower of the church the movements of the two armies. On receiving intelligence from count Lauzun that he was in danger of being surrounded, he marched off to Duleek, and thence in great haste to Dublin. On his arrival in that city he assembled the magistrates and council, and told them, with equal indiscretion and ingratitude, "that the army he had depended upon had basely fled the field, nor could they be prevailed upon to rally, though the loss in the defeat was but inconsiderable; so that henceforward he determined never more to head an Irish army, but resolved to shift for himself, as they themselves must also do." Having staid at Dublin one night, he departed for Waterford, attended by the duke of Berwick, the marquis of Powis, and the earl of Tyrconnel—ordering the bridges to be broken down every where behind him. At Waterford he embarked on board a French vessel, and was quickly conveyed to his former residence in France. This dastardly conduct exposed him to the personal contempt of those who were most strongly attached to his cause—colonel Sarsfield, as it is said, declaring, "that if they could change kings, he should not be afraid to fight the battle over again." Immediately consequent to the victory, Drogheda was invested; but though the governor seemed at first resolute to defend the place, upon being

told that if he compelled the king to bring up his heavy cannon he must expect no quarter, he thought proper to surrender. On the 5th of July the king encamped at Finglass, within two miles of Dublin, where he received advice of king James's flight to Waterford, and subsequent embarkation for France. The principal catholics having also abandoned the metropolis, the protestants had recovered their ascendancy; and a deputation being sent requesting the king to honor the city with his presence, he made his public entrance the next day into Dublin, where he was received with triumphal acclamation.

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The Irish army had now retired in confusion towards Athlone, a strong town on the banks of the Shannon. Dividing his forces, therefore, the king detached general Douglas to pursue the flying enemy, prosecuting himself his march to the southward, and taking possession successively of the towns of Carlow, Kilkenny, and Waterford—acquisitions of great importance. About this period, a proclamation of grace and pardon was published, which the king was desirous to have made much more comprehensive; for the general and vague exception it contained, of “the desperate leaders of the present rebellion,” rendered it wholly nugatory: but the king was told by those vultures in human shape who prey

Successes
of king
William.

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Siege of
Athlone
raised :

upon property and are ravenous for confiscations, that there was a necessity for breaking the power of the great Irish chieftains. General Douglas having reached Athlone on the 17th of July, summoned the town to surrender; but colonel Grace, the governor, undaunted by the ill success which had recently attended their arms, fired a pistol at the trumpeter, saying, "These are my terms." The English general on this resolved on undertaking the siege of the place: but his force was not adequate to the enterprise; and after battering the castle for some days with little effect, he hastily withdrew his troops, finding that general Sarsfield was on his march to relieve the fortress, at the head of 15,000 men. But the principal object of the campaign, now far advanced, was the reduction of the important city of Limerick, in the vicinity of which the Irish had concentrated the far greater part of their force. The town is situated chiefly on an island in the midst of the Shannon, which is here very broad and deep, with suburbs extending to both the opposite shores—the three divisions being connected by bridges. The fortifications had been lately strengthened by additional outworks constructed under the direction of French engineers. The garrison consisted of no less than fourteen regiments of foot, exclusive of horse and dragoons; and the remainder of the Irish army, now recovered from its con-

sternation, with the French auxiliaries to the amount of many thousands, lay at a small distance, waiting and watching the favorable opportunities of attack. Possibly the king, judging from the uninterrupted career of success he had hitherto experienced, might be prompted to hold the talents and resources of the enemy too cheap. A junction being formed between the king's forces and those employed in the attack of Athlone, within a few miles of Limerick, the city was invested with trivial opposition on the 9th of August 1690: and a summons being sent to the governor, M. Boisseleau, that officer replied; "that he thought the best way to gain the prince of Orange's good opinion was by a vigorous defence of the fortress entrusted to his care." The siege was now prosecuted with great diligence, and the place defended with equal resolution; but a most disastrous incident took place in the surprisal, by general Sarsfield, of almost the whole train of heavy artillery destined for the besieging army, and the total destruction of the carriages, waggons, and ammunition; after having previously attacked and cut in pieces the detachment by which the convoy was guarded. The event of the siege was from this time very doubtful. At length, a breach having been made of about twelve yards in breadth, the king ordered a general assault. But the courage of the enemy

BOOK I.
1690.

and of
Limerick.

BOOK I.
1690.

seemed on this occasion to rise to fury. After being driven from the counterscarp, they returned to the attack with an impetuosity never exceeded, the very women rushing forwards and encouraging the soldiers of the garrison with Amazonian fortitude. In fine, the English were repulsed, with the loss of 1200 of their choicest troops: and the operations of the besiegers being also impeded by the weather, which had now become very unfavorable, the king gave orders, in two days after this unsuccessful attempt, to raise the siege; and the army retreated towards Clonmel. Having constituted lord Sydney and sir Thomas Coningsby lords justices of Ireland, and leaving the command of the army with count Solmes, who soon after resigned it into the able hands of general Ginckel, his majesty embarked at Duncannon on the 5th of September 1690 for England, and arrived safely within a few days at Windsor.

King re-
turns to
England.

Earl of
Marlbo-
rough cap-
tures Cork
and Kinsale.

In the course of the autumn, the earl of Marlborough, who had already distinguished himself by his military talents, gained great increase of fame by a successful attack on Cork and Kinsale with 5000 troops from England, joined, agreeably to the project he had formed, by 5000 more in Ireland. By the capture of these cities, all connection between Ireland and France on that side was cut off; and the earl of Marlborough re-

turned to England covered with laurels, having been absent on this important expedition only thirty-seven days. The duke of Grafton, natural son of the late king Charles II., a young nobleman highly amiable and accomplished, fell bravely fighting in the first of these attacks. When the earl of Marlborough was introduced to the king at Kensington on his return, that monarch, far from appearing jealous of his success, bestowed upon him the highest encomiums, and declared that he knew no man so fit for a general who had seen so few campaigns.

BOOK I.
1690.

In order to avoid the necessity of reverting to the Irish war, which was protracted to a late period of the succeeding year, it may be proper here to subjoin the principal occurrences which took place from the departure of the king, to its final termination. Although it had been the object of the king's anxious solicitude to restrain the ravages of the soldiery, divers examples of great severity being made by him during his residence in Ireland, the most atrocious excesses were, as is universally acknowledged, committed during the winter upon the helpless inhabitants; and it was difficult to ascertain whether they suffered more from their catholic oppressors, or their protestant protectors. Between them the country was dreadfully harassed, and the stock of cattle and corn in many parts almost entirely destroyed.

BOOK I.
1691.

Command
devolves
on General
Ginckel.

Athlone
taken.

About the beginning of June 1691, general Ginckel, being now reinforced by a considerable body of troops from Scotland under general Mackay, took the field, and immediately directed his march to Athlone, taking in his way the town of Ballymore, which was fortified and garrisoned as a sort of advanced post, and on the 18th sat down before Athlone. The town is divided into two parts by the Shannon, over which is a bridge: that part which is situated to the eastward of the river was soon carried by assault; but the chief strength of the besieged lay in the fortifications on the Connaught or Irish side, defended by a castle which could not be approached but by forcing the passage of the river; and several vigorous attempts were made, though unattended with success, to gain possession of the bridge. This somewhat disheartened the troops: a council of war was held on the 30th, to determine whether it would not be advisable to raise the siege. On which the generals Mackay, Tollemache, Rouvigny, &c. urged that no brave action could be performed without hazard, and gave it as their opinion that the attack on the bridge should be given up, and the passage of the river attempted at a ford a little below the bridge; and they offered themselves to head the troops which should be destined to the service. General Ginckel, who well knew what wonders military enthusiasm can perform, acceded

to an offer which a too considerate commander would have deemed romantic and impracticable. The fords of the Shannon are few and dangerous. That in question was only wide enough for twenty men to march abreast. The bottom was rocky, the stream flowing with prodigious rapidity, and rising in the shallowest part nearly breast-high. On the opposite shore was a bastion raised to defend the pass. In order to deceive the enemy, the troops were not drawn out till six o'clock, the usual time of relieving guard; and on ringing the church bell, the customary signal, a detachment of grenadiers, supported by six battalions of infantry, commanded by the prince of Wirtemberg, the generals Mackay, Tetteau, and Tollemache, who served that day as a volunteer, entered the water by twenties, to the astonishment of the Irish, who immediately began a very heavy fire from all their forts and batteries. General Sarsfield communicating in haste to M. St. Ruth, now commander in chief of the combined armies of French and Irish lying at the distance of a few miles from the town, that the English were actually attempting the passage of the river, and demanding immediate succours—St. Ruth treated the intelligence very lightly, and affirmed the thing to be impossible. “They dare not make such an attempt,” said he, “and *I* so near! *I* would give 1000 pistoles to find it true.” Sars-

BOOK I. field, amazed at the vanity and incredulity of this
1691. commander, told him, "he would find English
courage capable of attempting any thing." Un-
appalled at the dangers which surrounded them,
the assailants gradually advanced forward, in the
face of a most tremendous fire; and having at
length forced their way and gained the opposite
bank, the rest of the army soon followed on pon-
toons, and planks thrown across the broken arches
of the bridge. The Irish, seized with consterna-
tion, scarcely attempted resistance; and in half
an hour the town was in possession of the be-
siegiers, with the works, which remained entire to-
wards the enemy's camp. St. Ruth now made a
late and vain attempt to dislodge the English: but
the cannons of the garrison were by this time
turned against him; and on that very night he
decamped with his whole army without beat of
drum, and took a new and very strong position in
the neighbourhood of Aghrim, resolving there to
risk the fate of a general engagement.

Victory of
Aghrim.

The Irish camp was extended two miles on the
ridge of a hill, with a morass in front, passable
only by a narrow central path, crossed by the
river Suke, and defended at the extremity by the
castle of Aghrim; on their left were steep hills
rising among swamps; and on the right was a
pass defended by two old forts about a mile from
the morass, the interval being occupied by many

small enclosures lined with musqueteers. General Ginckel, having viewed the enemy's position, declared his determination to attack them, for that a retreat must be attended with loss and disgrace. St. Ruth, on his part, perceiving the preparations made for that purpose, exerted all the efforts of an able commander to counteract them, making an harangue to his troops well calculated to produce upon minds so gross and barbarous, a very powerful effect. "He told them how successful he had been in suppressing heresy in France, and bringing over a vast number of deluded souls into the bosom of the church. That for this reason his master had made choice of him before others to establish the church of Ireland on such a foundation that it should not henceforward be in the power of bell or heretics to disturb it; and that all good Roman-catholics depended on their courage to see those glorious things effected. He confessed that matters did not entirely answer his expectation since he came among them, but that still all might be recovered. That he was informed the prince of Orange's heretical army was resolved to give them battle; that now or never was the time for them to recover the lost honors, privileges, and estates of their ancestors; that they ought now to remember they were no mercenary soldiers; their all being at stake, and their design to restore a pious king to his throne,

BOOK I.

1691.

to propagate the holy faith, and extirpate heresy. And lastly, to animate their courage, he assured them of king James's love and gratitude, of Louis the Great's protection, of himself to lead them on, of the church to pray for them, and of saints and angels to carry their souls into heaven." He closed his speech with a strict order to give quarter to none, especially not to spare any of the French heretics in the prince of Orange's army. He took likewise the most effectual way possible to infuse courage into the Irish, by sending their priests among them, to animate them by all the methods they could think of; and especially, as the most powerful and expressive, making them swear on the sacrament never to forsake their colors.

About eleven in the morning of the 12th of July (1691), being Sunday, the English army advanced to the edge of the morass with a view to force the passes, which were defended by the enemy with surprising and enthusiastic resolution. No ground, after several hours' contest, being gained, a feint was made on the enemy's left; on which large reinforcements being sent by St. Ruth to that quarter, to the weakening of the right and centre, the passes after much effusion of blood were ultimately forced. No sooner, however, had the English obtained firm footing on the other side of the morass, and begun to

ascend the hill, than the main body of the enemy fell upon them with such fury, that the assailants were compelled to retreat with precipitation into the morass ; at the sight of which St. Ruth cried out in a bravado, " Now will I drive the English army back to the gates of Dublin." Reinforcements arriving, however, the English again rallied ; and the enemy at the same instant sustaining an irreparable loss by the death of their general, who, still confident of victory, was, by one of those accidents which mock all calculation, taken off by a random ball, the fate of the battle was at once decided. Sarsfield next in command, but to whom St. Ruth had not deigned to communicate his dispositions, was unable by the most vigorous exertions to counteract the despair of the moment. The camp was abandoned, and great slaughter was made by the cavalry and dragoons in the pursuit.

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1691.

Death of
Mr. Ruth.

The English army marched forward with all expedition to Galway, which made no memorable resistance. But Limerick, now the last resource of the Irish nation, displayed under the gallant auspices of Sarsfield every symptom of determined and heroic fortitude. On the 26th of August that city was a second time invested on the Munster side ; two days previous to which died within its walls the earl of Tyrconnel, at one period so conspicuous in Irish history, but who

BOOK I. visit, or payment of duty. Finally, it was agreed
1691. that all prisoners of war should be set at liberty. The lords justices, conscious that they had ventured beyond the utmost limit of their legal powers, engaged that their majesties would use their endeavours that these articles should be ratified and confirmed in parliament. The military commanders on their part allowed all the respective garrisons to march out of the towns and fortresses yet in their possession, with the honors of war.

Such were the terms which this devoted portion of a great and generous but unfortunate nation, who had displayed a firmness and gallantry worthy of a far better cause, obtained from the wisdom and benignity of the British monarch. But great offence was taken at these articles, by the malignity of some, and the rapacity of others, who hoped and expected to have converted the whole country, for their own individual emolument, into one tremendous mass of misery, confiscation, and ruin. For to such a state of selfish and remorseless depravity may human nature be degraded, that, to use the forcible language of lord Bacon, "there are those who would not hesitate to set their neighbour's house on fire, merely to roast their own eggs by the flames." The many thousands who retired to the continent left behind them, however, sufficient property to gra-

tify any ordinary lust of wealth or vengeance : and the refugees were received, on their arrival in France, with that urbanity and generosity which happily on so many occasions serve to soften the traits of the dark and terrific character of Louis XIV. General Ginckel was solemnly thanked by parliament for his services ; and the titles of Earl of Athlone and Baron Aghrim were conferred upon him, in perpetual commemoration of his heroic achievements.

BOOK II

1691.

The articles of Limerick, so violently exclaimed against by men devoid of the feelings of humanity, as too lenient and favorable to the Irish rebels, were in the sequel carried into exact and punctual execution. Nay, such was the justice and generosity of the king, that divers doubts arising out of certain ambiguous words were explained in favor of the Irish ; and thus mercy, hiding the fatal sword of vengeance in wreaths of flowers, crowned the conquest achieved by valour *.

On the king's departure for Ireland, the queen was constituted sole regent, with a cabinet coun-

Queen constituted Regent.

* " O thou who sit'st a smiling bride
By Valour's arm'd and awful side,
Gentlest of sky-born forms, and best ador'd !
Who oft with songs, divine to hear,
Win'st from his fatal grasp the spear,
And hid'st in wreaths of flowers his bloodless sword."

COLLINS'S *Ode to Mercy.*

BOOK I.

1691.

Her amiable character and discreet conduct.

cil consisting of nine persons*, four of whom were whigs; but the real power was supposed to reside in the lords Carmarthen and Nottingham. The whigs, therefore, had little reason to be satisfied with this arrangement. The queen had hitherto led a very private and domestic life, occupied with the amusements of reading and working with her ladies of honor; very charitable and exemplary in her social and religious duties, wholly inattentive to political transactions. But it now appeared that she was by no means destitute of talents for business; and, notwithstanding the perpetual conflict between the two state factions, she governed with such mildness, which on no occasion degenerated into weakness, and mediated with such address, without any tincture of duplicity or artifice, that by a rare fortune she rose higher than ever in the estimation of both. Endowed with all the accomplishments of her sex, she conciliated the most stubborn by the engaging affability of her manners. Dignified in her person, of a pleasant and cheerful countenance, frank

* These were, the marquis of Carmarthen, president of the council; the earl of Nottingham, secretary of state; the earl of Pembroke, who had superseded admiral Herbert, created earl of Torrington, in the admiralty; earl of Lonsdale, first commissioner of the treasury; and the earl of Marlborough, who were all accounted of the tory party. The whigs were, the earl of Devonshire, lord steward; earl of Dorset, lord chamberlain; the earl of Monmouth, and Mr. Edward Russel.

and noble in her disposition, above all disguise and concealment, studying only how to promote the welfare and happiness of the nation who had raised her to her present exalted pre-eminence, and to deserve their love and confidence—history exhibits perhaps no character which will endure the test of a more rigorous investigation. How unjustly she has been accused of a want of sensibility, her letters to the king her husband clearly demonstrate. During the Irish war, notwithstanding the complacency of her outward deportment, her heart was torn with apprehension and solicitude; and the intelligence of the victory of the Boyne appeared, as the earl of Nottingham informs us, to afford her no pleasure till he assured her of the safety of the king her father*.

The first great object of the government during the regency was to fit out a fleet, equal at least to that which the French were preparing in the harbour of Brest. In this, however, the English admiralty was not successful. By the surprising exertions of M. de Seignelay, the marine minister of France, a fleet of no less than seventy-eight ships of the line, commanded by the count de Tourville, entered the English channel, and were discovered off Plymouth on the 20th of June 1690. The earl of Torrington, commander in chief of the combined squadrons of English and Dutch, fell down to St.

BOOK I.
1690:

Naval defeat off Beachy-head.

* Dalrymple's Appendix.

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1690.

Helens, in order to give the enemy battle, though inferior in force by no less than twenty-two ships of the line—thirty ships of war lying in Plymouth Sound not being able to join them. Lord Torrington, extremely chagrined at this disappointment, would have avoided an engagement: but the queen was over-persuaded to send him positive orders to fight; so that, after standing far up the channel, he again bore down upon the enemy off Beachy-head, on the 30th of June, making two hours after day-break the signal for battle, which the French were not disposed to decline. The Dutch squadron, which led the way, were soon engaged with the van, and the blue division of the English with the rear of the French; but the red, which formed the centre, under the command of Torrington in person, could not, or at least did not, come into action till ten: and even then a wide interval was left between the centre and the van, of which the French took the advantage, and surrounded the Dutch ships in such a manner, that they would have been entirely cut off or destroyed had not the centre division at length bore down to their assistance, and drove between them and the enemy. About five in the afternoon the action was interrupted by a calm: and the English admiral, perceiving how severely the fleet had suffered, thought it expedient to wave a renewal of the engagement: and weighing anchor

at the close of day, he retired eastward with the tide of flood. The French, who had neglected to anchor, drifted to the westward, and in the morning were descried at almost viewless distance; and pursuing also in a regular line of battle, less damage was sustained than there was reason to apprehend. They nevertheless followed as far as Rye; and the English were compelled to burn the disabled ships, that they might not fall into the hands of the French. Upon the whole, this was the most signal victory ever gained by the French over the English upon their own element. Such, indeed, was the heroic bravery with which the van and rear divisions fought, oppressed as they were with the superiority of numbers, that no vessel would strike its colors: but three Dutch line of battle ships were sunk in the engagement, and three more stranded and burnt in the pursuit; besides two ships lost by the English. The Gallic admiral giving over the farther chase as fruitless, the earl of Torrington brought the shattered remains of his fleet into the Thames, whence, devolving the command upon sir John Ashley, he immediately repaired to the metropolis, which he found in a state of the greatest consternation—he himself being the chief object of the popular rage and resentment. Nothing less than an immediate invasion was expected; but the French fleet, after insulting the coasts, now wholly de-

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1690.

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1690.

Wise and
resolute
Conduct of
the Queen.

fenceless, made the best of their way back to the harbour of Brest.

The conduct of the queen in this critical emergency indicated great fortitude and spirit. She issued a proclamation, requiring the immediate service of all able seamen and mariners, with bounties for rendering themselves voluntarily, and penalties for disobedience. She ordered a great number of new commissions for the army, and a camp to be formed in the vicinity of Torbay, where a descent was deemed most probable. She caused to be apprehended the earls of Litchfield, Aylesbury, Castlemaine, and the lords Preston and Bellasis, with various other disaffected persons. She deprived the earl of Torrington of his command, and sent him prisoner to the Tower; and deputed an envoy extraordinary to the States General, to inform their high mightinesses "how much she was concerned at the misfortune which had befallen their squadron in the late engagement, and at their not having been seconded as they ought; which matter her majesty had directed to be examined into, in order to recompense those that had done their duty, and to punish such as should be found to have deserved it; that she had directed twelve great ships to be fitted out, and hoped the states would do their utmost to reinforce their fleet in this conjuncture." How

Earl of Torrington disgraced.

far the earl of Torrington, allowed to be one of the best and bravest seamen of his time, was censurable in this business, seems not perfectly clear. The Dutch exclaimed against him with the bitterest acrimony, and the French accounts represent him as extremely deficient in naval conduct. The earl of Nottingham, in his official letter to lord Dursley, ambassador at the Hague, expressly charges him with treachery; and the earl of Torrington, on the other hand, brought an accusation against Nottingham for purposely suppressing the necessary intelligence. After lying many months in the Tower, he was at last brought to a trial by a court-martial, and, to the indignation of the country, acquitted; but the king dismissed him from the service, and he never afterwards recovered any share of reputation*.

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1690.

* It must be confessed, that Lord Torrington's official letter off Beachy to lord Carmarthen is extremely vague and unsatisfactory. He only says, "That on the preceding day, according to her majesty's order, they had engaged the enemy's fleet. The Dutch had the van. By the time they had fought two hours, it fell calm; which was a great misfortune to them all, but most to the Dutch, who being most disabled, it gave the French an opportunity of destroying all their lame ships; which he had hitherto prevented by falling with the red squadron between them and the enemy." He acknowledges, nevertheless, "it is utterly impossible to make good their retreat, if pressed by the French;" and exclaims, "I pray God send us well off!" "Had I," says he, "undertaken

BOOK I.

1690.

Session of
parliament.

On the 2d of October 1690, the English parliament assembled at Westminster; and the leading topics of the speech from the throne were the suc-

this of my own head, I should not well know what to say; but it being done by *command*, will, I hope, free me from blame."

On the 2d of July, 1690, the queen, in a private letter to the king, thus expresses herself: "What lord Torrington can say for himself, I know not; but I believe he will never be forgiven. The letters from the fleet, before and since the engagement, shew sufficiently he was the only man there who had no mind to fight; and his not doing it was attributed to orders from hence. I am more concerned for the honor of the nation than any thing else. But I think it has pleased God to punish them justly; for they really talked as if it were impossible for them to be beaten."—On the intelligence of the victory at the Boyne, the queen writes, July 17: "How to begin this letter I do not know, or how ever to render God thanks enough for his mercies. Indeed they are too great, if we look on our deserts: but, as you say, it is his own cause: and since it is for the glory of his great name, we have no reason to fear but he will perfect what he has begun. When I heard the joyful news from Mr. Butler, I was in pain to know what was become of the late king, and durst not ask him. But when lord Nottingham came, I did venture to do it, and had the satisfaction to know he was safe. I know I need not beg you to let him be taken care of, for I am confident you will for your own sake; yet add that to all your kindness, and for my sake let people know you would have no hurt come to his person."—August 5th: "We have received many mercies, God send us grace to value them as we ought! But nothing touches people's hearts here enough to make them agree; that would be too much happiness."—August 19th: "Holland has really spoiled me in being so kind to me. That they are so to you, 'tis no wonder. Would to God it were

cess of the war in Ireland, the late naval defeat, and the necessity of acting with vigour in support of the confederacy abroad. The most loyal ad-

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1690.

the same here!"—August 26th: "I am in greater fears than can be imagined by any who loves less than myself. I count the hours and the moments, and have only reason enough left to think that as long as I have no letters all is well. Yet I must see company upon my set days, I must play twice a week, nay I must laugh and talk though never so much against my will. I believe I dissemble very ill; yet I must endure it. All my motions are so watched, and all I do so observed, that if I eat less, or speak less, or look more grave, all is lost, in the opinion of the world."

DALRYMPLE State Papers.

King William told lord Carmarthen before his departure for Ireland, as lord Dartmouth in his MS. memorandums on bishop Burnet's History informs us, "that he must be very cautious of saying any thing before the queen that looked like a disrespect to her father, which she never forgave; and that the marquis of Halifax had lost all manner of credit with her for his unseasonable jesting upon this subject. That he, the duke, might depend upon what she said to him to be strictly true, though she would not always tell the whole truth; and that he must not take it for granted that she was of his opinion every time she did not think fit to contradict him." This princess, asking the cause of her father's resentment against M. Jurieu, was told by bishop Burnet, "that it was on account of some indecencies spoken of Mary queen of Scots." On which she replied, "Jurieu must support the cause he defends in the best way he can. If what he says of the queen of Scots be true, he is not to be blamed for the use he makes of it. If princes will do ill things, they must expect the world will take revenge on their memories, since they cannot reach their persons."

BOOK I
1690.

Lord Godolphin appointed First Commissioner of the Treasury. His Character.

dress were returned, and extraordinary supplies voted, to the amount of four millions--at that time the largest sum ever asked, or given to a king of England, in one session. And in order that the money thus liberally bestowed might be honestly expended, a committee of accounts was at the same time instituted, consisting of nine members of the house of commons, invested with full powers to summon whatever persons they thought proper, and to tender them an oath to answer all such questions as should be required of them. In the month of November lord Sydney was appointed secretary of state, in the room of the earl of Shrewsbury; and lord Godolphin first lord of the treasury, in the room of lord Lonsdale. This nobleman was one of those rare characters upon which the tooth of malice knows not how to fasten. Though strongly attached to the tory party, and even suspected of a predilection to the interests of the late king, in whose favor he had stood very high, such was the clearness of his head, and the incorruptibility of his heart, that the choice now made seemed to give great credit and almost universal satisfaction. He had been employed in the business of the treasury, by the two last sovereigns, with the highest reputation to himself, and advantage to the public; and his example, yet more than his authority, would, it was hoped, restrain those abuses which, in situations exposed to

perpetual temptation, it will ever be found impracticable wholly to eradicate.

BOOK I.

The king was now impatient to repair to the grand congress appointed to be held at the Hague during the present winter. On the 5th of January 1691, therefore, he came to the house, and, communicating his intentions in a very handsome speech, gave his assent to the bills which were ready, and put an end to the session. Early in

1691.

the same month the king embarked at Gravesend, under convoy of a powerful squadron commanded by admiral sir George Rooke; and on the 18th about noon, being informed by a fisherman that Goree was distant only a league and a half, his majesty resolved to quit the yacht and go on board a shallop, attended by the duke of Ormond, the earls of Devonshire, Dorset, Portland, and several other persons of distinction.

King embarks for the Continent.

But a thick fog coming on, and the coast being surrounded with ice, they were not able to make the shore, and for the space of eighteen hours, exposed to the inclemency of a winter's night, were tossed about at the mercy of the winds and waves.

Is in danger of shipwreck.

The sea ran very high, and the danger was extreme: but the fortitude and even heroism of the king, in this situation, did not for a moment forsake him. On hearing some of the sailors express their apprehensions of the event, "Are you then," said he, "afraid to die in my company?" Soon

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1691.

after day-break, however, they made good their landing on the island of Goree, and about six in the evening arrived at the Hague; where he was received with transports of joy, and immediately complimented by the States General, the states of Holland, the council of state, the other colleges, and the foreign ministers. On the 26th he made his public entry by desire of the magistrates—several triumphal arches having been erected to represent his achievements, and all the burghers appearing in arms with unusual magnificence. In the evening, fireworks were exhibited, and the cannon fired on the Viverborg opposite his palace, and bonfires lighted through the whole town. Two days after, the king went to the assembly of the States General, and addressed them in an affectionate speech, in which he reminded them, “ that the last time he was with them he had declared his intention of going over to England, to deliver that kingdom from the evils with which it was threatened—That God had so blessed his just intentions, that he had met with success, even beyond his hopes—That the English having offered him the crown, he had accepted it, as God was his witness, not out of ambition, but solely to preserve the religion and laws of the three kingdoms; and to be able to assist his allies, and especially the United Provinces, against the power of France—That he could have wished

to have aided them sooner, but was prevented by the affairs of Ireland; which being now in a better condition, he was come to concert measures with the allies, and to exercise the functions of stadtholder." The rest of his speech consisted of expressions of his zeal and affection for the republic. He was answered with the respect and acknowledgment due to a prince who was looked upon as the father of his country, the deliverer of Europe, the preserver of the protestant religion, and the soul of the grand alliance.

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After this, was opened the most extraordinary and splendid congress of princes and ministers which Europe had ever known. Of those who attended in person, exclusive of the king of Great Britain, were the electors of Brandenburg and Bavaria; the dukes of Wirtemberg, Holstein, Brunswick, and Zell; the landgraves of Hesse-Cassel and Darmstadt; the princes of Anhalt, &c. &c. The ambassadors present were those from the emperor, the kings of Spain, Denmark, Sweden, and Poland; the electors of Saxony, Treves, Mentz, Cologne, and the elector palatine; the dukes of Savoy and Hanover; the bishops of Munster, Liege, &c. &c. To this illustrious assembly his Britannic majesty addressed himself in an eloquent and pathetic speech, representing to them "the imminent dangers to which they were exposed from the power and

Memorable
Congress at
the Hague.

BOOK I. ambition of France. In the circumstances they
1691. were in," he said, "it was not indeed a time to deliberate so much as to act. Every one ought to be persuaded, that their respective and particular interests were comprised in the general one: If not opposed with united vigor, the enemy would like a torrent carry every thing before them. Against such power and such injustice it was in vain to oppose complaints or clamors, or unprofitable protestations. Nothing but the force of superior armies could put a stop to his conquests, or rescue Europe from the impending ruin. As to himself, he would neither spare his forces, credit, nor person, in so just and necessary a design. And he proposed to appear, in the spring, himself at the head of the army of the allies, and they might depend upon his royal word for the strict performance of his engagement."

Actuated by the same spirit, and animated by the example of their head, the assembly came, without delay or hesitation, to the most vigorous resolutions: and it was agreed to employ in the ensuing campaign 222,000 men against France, of which aggregate number each state was to furnish its specific and equitable proportion. The congress broke up early in March; and it is remarked by historians, that no disputes relative to precedency, or any perplexing etiquette of state,

so common in assemblies of this nature, impeded their deliberations. In the presence of the king of England, whose character was marked by simplicity, who was above all ostentation, and whose dignity descended not to call in the assistance of pride to its support, those frivolous and minute distinctions which appear in the eyes of the vulgar of all ranks so important, shrank into their native nothingness.

The king, after passing some weeks at his favorite residence at Loo, embarked for England, and arrived safely at Whitehall on the 13th of April (1691). The chief event which occurred during the absence of the king, was the discovery of a conspiracy against the government, ill-concerted indeed, and imperfectly digested. Notice being given to lord Carmarthen, about the end of December, by the owner of a vessel at Barking in Essex, that it was taken up to carry some unknown persons to France, it was so contrived that it should be boarded under the pretext of searching for seamen the moment she fell down to Gravesend; when three passengers were found in the hold, who proved to be lord Preston, secretary of state to king James; Ashton, who had occupied a place in the household of the late queen; and one Elliot. Certain papers which Ashton attempted to throw into the sea were also secured, and lord Preston's seal of office.

BOOK I.
1691.

Conspiracy
against the
Govern-
ment.

BOOK I.
1691.

Upon examining the papers, they were found of a very miscellaneous nature. The most remarkable of them was styled "The Result of a Conference between some Lords and Gentlemen, both Tories and Whigs, respecting the Restoration of King James,"—though, as the paper adds, "without endangering the protestant religion and civil administration according to the laws of this kingdom." For such was the rage of faction, as to prevent their discerning the utter incompatibility of these things; and even to cast a veil over the deep moral and political guilt of endeavouring, from motives of personal animosity, interest, or caprice, to subvert a government lawfully established. The counter-revolution in view being however professedly founded on whig principles, and designed to be carried into effect by the instrumentality chiefly of the whig party, this strange paper was drawn up in a high strain of liberty, such as would have given probably at the court of St. Germaine's nearly as much offence as the most hostile manifesto. "The natural wealth and power of these kingdoms being," as it is expressed, "in the hands of the protestants, the king may think of nothing short of a protestant administration, nor of nothing more for the catholics than a legal liberty of conscience—He may reign a catholic in devotion, but he must reign a protestant in government—He must

give us a model of this at St. Germaine's, by preferring the protestants that were with him above the catholics."—And from the general tenor of this paper, and of the declaration annexed, it is plain that the whigs concerned in this political intrigue—for with regard to them the business had not advanced, and in all probability never would have advanced farther—insisted upon nothing less, on the part of the king, than an entire surrender of himself into their hands. Among a great number of letters, were two by Dr. Turner, bishop of Ely, to the king and queen, under the names of Mr. and Mrs. Redding, full of expressions of high-flown loyalty, and assuring them "that he spoke the sentiments of his *elder brother* and the rest of his relations." In a paper of memorandums in the hand-writing of lord Preston were found the names of the lords Dorset, Cornwallis, Montague, Stamford, Shrewsbury, Macclesfield, Monmouth, Devonshire—immediately after which follow the words "In February the king come to Scotland—endeavour to unite the episcopal and presbyterian parties—land at Leith—the Scots army, not a French one—5000 good Swedish foot—the reputation of a protestant ally—two months to settle Scotland—leave all to free parliament, &c. &c."—From these dark and doubtful hints men were left to draw their own variable conclusions.

BOOK I.
1691.

BOOK I.

1691.

Execution
of Ashton.

Elliot found means to make his peace with government: but the other delinquents were brought to their trials before lord chief justice Holt; and both lord Preston and Mr. Ashton were pronounced guilty. The latter, a blind and honest bigot, suffered with great resolution; but the former, who was supposed to have communicated the whole secret of the intrigue or conspiracy to the government, was ultimately pardoned. Shortly after, a proclamation was issued for the apprehending the bishop of Ely, Mr. James Graham, and Penn the famous quaker, noted for his attachment to the Stuarts. But they had previously absconded, as it was, apparently, the intention of government they should. The earl of Clarendon, uncle to the queen, who had refused the oaths, was committed to the Tower: but after a confinement of some months, though his guilt was indubitably ascertained by the intercepted letters, he was released by the king's order, out of tenderness to the queen, and merely confined to his house in the country. Lord Dartmouth was also sent to the Tower, where he soon after died, and was buried with funeral honours. Upon the whole, the wisdom and discretion of the government were conspicuous in the whole of this transaction: no one of the whig lords, supposed privy to it, being questioned; but on the contrary the evidence against them was

assiduously suppressed; and all things reverted to their former state, without any farther or more valuable sacrifice than the life of the unfortunate Ashton.

BOOK I.
1691.

At this period it was, however, judiciously determined to bring matters to a crisis with respect to the non-juring bishops and clergy, who were now deprived of their sees and preferments, to the general satisfaction of the nation. Even those of the prelates who had acquired such unbounded popularity by their opposition to royal despotism, in the late reign, experienced little sympathy in their present sufferings in consequence of what was now called their obstinate and factious defiance of the national will. The vacancies were supplied with men of such known candor and moderation, that it was plain the present tory ministers were either too wise to attempt, or had too little influence to effect, the revival of the high church maxims usually associated with the political principles of their party. Amongst these promotions we find the eminent and venerable names of Tillotson, Sharp, More, Cumberland, and Patrick. Nothing more provoked the resentment and chagrin of the non-juring party at this juncture, than the defection of the famous Sherlock, master of the Temple, after a long and pertinacious refusal to submit to the oaths, and his public justification of his conduct in so doing. This was a great triumph to the court; and he was immediately re-

Deprivation of the
Non-juring
Bishops.

BOOK I. warded, for what one party styled his happy
 1691. conversion, and the other his faithless apostacy,
 by the acquisition of the rich deanery of St.
 Paul's.

Campaign
 in Flanders.

Character
 of the Em-
 peror Leo-
 pold.

Early in the month of May (1691) the king, in pursuance of his resolution to command in person the grand confederate army, embarked for Holland, and after a speedy and prosperous voyage arrived safely at the Hague. The affairs of the continent were at this period in a truly critical state. Leopold, emperor of Germany, nominal chief of the league of Augsburg, was not one of those princes whose characters are calculated to adorn the page of history. Weak, haughty, superstitious, and exercising a cruel despotism over his own subjects, he was ill qualified or entitled to stand forward as the champion of the liberties of Europe. Vain and insolent in prosperity, mean and pusillanimous in adversity, he possessed neither the esteem nor affection of his co-estates of the empire: from his want of capacity only he was not the object of their fears*. It

* When the capital of this empire was besieged by the Turks, the emperor retired for safety to Lintz, without making any effort for averting the impending ruin. After the ever memorable defeat of the Ottoman army under the walls of Vienna, by the famous John Sobieski, this imperial ingrate sought to decline an interview with his deliverer—and, finding it unavoidable, he conducted himself with the most disgusting coldness and affectation of superiority. The king of Poland, per-

was the power of France which excited the universal dread : and the empire had never, since the æra of the rivalship of the two great houses of Bourbon and Austria, been so entirely united in interest, design, and desire. But averting their eyes with disdain from their immediate chief, as altogether incompetent to the accomplishment of so great an object, the Germanic princes fixed their attention exclusively on the king of England, even previous to his elevation to the royal dignity, and while merely prince of Orange and stadtholder of Holland, as the real and efficient head of the grand confederacy formed for the purpose of humbling the pride, and of opposing an insuperable barrier to the encroachments of France. They saw in *him* all the qualities of a patriot and a hero ; and the influence of prejudice and calumny operating feebly beyond a certain sphere, his character appeared in a higher and truer light to the surrounding nations than to the majority of persons in England itself, where, in his situation, every word and action of

ceiving and despising his meanness, only said in return to his reluctant acknowledgments : “ I am glad, brother, that I have been able to do your majesty this little service.” By a popular and felicitous allusion the cardinal archbishop of Vienna preached on this great occasion a thanksgiving sermon, in the cathedral of St. Stephen, on the text of scripture, “ There was a man sent from God, whose name was JOHN.”

BOOK I. his life was liable to the most injurious and malignant misrepresentations.

1691.

Retrospect
of the Af-
fairs of the
Continent.

It has already been related, that the continental war began on the part of France with a furious irruption into the empire, and the most horrid devastation of the provinces bordering upon the Rhine. The confederacy against France was such as had never been equalled in Europe. All the contiguous countries, Switzerland excepted, were engaged in it as principals; yet it was remarked, and it could not fail to excite admiration, that, though thus every way surrounded with enemies, she neither displayed any signs of despondency, nor made any unbecoming submissions. But, on the contrary, she prepared to exert her strength, spirit, and genius, in proportion to the difficulties and dangers that threatened her; and, single as she was, entered the lists against them all. But the honor she acquired by her magnanimity she sullied by her cruelties; and the smoking ruins of the cities of Spire, Worms, Manheim, Oppenheim, and Heidelberg, were the trophies of her detestable triumphs.

1689. At the commencement of the campaign of 1689, the French were almost entire masters of the three ecclesiastical electorates; but the *maréchal de Duras*, who commanded their armies on the Rhine, found it extremely difficult to

maintain his conquests. Early in the same year an offensive and defensive confederacy, which afterwards obtained the name of the Grand Alliance, from the number and rank of the princes and potentates who acceded to it, was signed between the emperor and the States General at Vienna, to which the king of England was eagerly invited, and in a short time assented to become a party; though the treaty was not signed in form by the ambassadors of England till the 9th of December (1689). By the articles of this confederacy it was agreed that neither of the high contracting powers shall enter into a separate negotiation, and that no peace shall be concluded till the treaties of Westphalia and the Pyrenees shall be fully vindicated and restored. To this treaty were appended two secret articles; by the first of which England and Holland engaged to assist the emperor, in case of the death of the king of Spain without issue, to take possession of the Spanish monarchy with all its dependencies; and, by the second, to use their endeavours that the emperor's eldest son, the archduke Joseph, should be speedily elected king of the Romans.

BOOK I
1689.

England
accedes to
the Grand
Alliance.

The imperial court, in conjunction with the States General and the princes of the empire, brought three great armies into the field. At the head of the first, the duke of Lorraine, a general of the highest talents, invested the city of Mentz.

BOOK I. The grand battery against this place was opened
 1689. with a general and tremendous discharge of cannon, bombs, &c. accompanied by a grand chorus of hautboys, trumpets, and kettle-drums. The garrison of it under the able conduct of M.

Capture of
 Mentz.

D'Uxelles, governor of Mentz, made frequent fierce and desperate sallies ; and the Germans, who considered themselves as the avengers of their bleeding country, repelled the several attacks with heroic courage. " Every day the sun rose and set in blood, and every hour produced some new spectacle of horror*." After a gallant defence of two months, this formidable fortress surrendered on honorable terms of capitulation.

Successes of
 the Allies.

The elector of Brandenburg, receiving from the baron de Berensau the keys of Rheinberg, sat down before Keisarswart, which held out but a short time. He then attempted Bonne, a much more important place. Here his success was doubtful, till the duke of Lorraine led part of his army, after the conquest of Mentz, to his assistance. Bonne then demanded to capitulate, after fifty-five days' blockade and twenty-six days' close siege.

This was the last campaign in which the great duke of Lorraine, as he is generally styled, appeared in the field. This prince died at Veltz, a village near Lintz, early in the succeeding

* Ralph, vol. ii. p. 160.

spring, about forty-eight years of age. Upon his death-bed he wrote the following letter, expressive of the magnanimity of his character, to the emperor Leopold: "In compliance with your sacred majesty's commands I set out from Inspruck to repair to Vienna, but I am stopped here by a more powerful master. I am going to give an account to him of a life which I have entirely devoted to your service. Remember that I leave behind me a wife who is nearly related to you, children who have no inheritance but my sword, and subjects who are in oppression."

BOOK I
1689.

Death of
the Duke of
Lorraine.

In Flanders, the prince of Waldeck was opposed by the *maréchal d'Humieres*, at the head of a superior army. Nothing memorable passed on this side, except that on the 15th of August (1689) an attempt was made by the French general to surprise the allies, then encamped near Walcourt, while a part of the army was engaged on a grand foraging excursion. The enemy were, however, repulsed by extraordinary efforts of activity and valor, with the loss of 2000 men. The English troops under the earl of Marlborough particularly distinguished themselves on this occasion; and the prince of Waldeck declared, that the English general had acquired in one day what others could gain only in years.

Battle of
Walcourt.

On the side of Catalonia, the duc de Noailles

BOOK I.
1689.

Death of
Pope Inno-
cent XI.

took the town and citadel of Campredon which was subsequently razed. But the chief advantage gained by the court of Versailles, in the course of this year, was in the demise of pope Innocent XI. of the family of Odeschalchi, who died August the 2d, 1689, in the 13th year of his pontificate. He was of a character highly respectable; exemplary in his morals, without austerity, a zealous yet judicious patron of reform devout, yet free from superstition; disinterested, though economical; mild, yet determined. His ruling passion for several years was hatred to Louis XIV., by whom he had been treated with a rudeness and haughtiness as destitute of provocation as it was contrary to policy. He was succeeded by cardinal Ottoboni, a Venetian, already fourscore years of age, who sat eighteen months in the papal chair, under the name of Alexander VIII. Wearied with his vexatious and disgraceful dispute with the court of Rome, and superstitiously apprehensive of the efficacy of the papal censures, Louis notified to the new pope in a letter written with his own hand, the restitution of the city of Avignon, and his relinquishment of the pretensions he had hitherto maintained to the *franchises*. But the pope, though he complimented the king of France, in return for this concession, with the promotion of Fourbin and some other persons whom he recommended

Succeeded
by Alexan-
der VIII.

as cardinals, yet refused to yield the point of the *regale*; nor would he grant the bulls, for the vacant French bishoprics, to those who had signed the formulary of 1692, declaring the pope fallible and subject to a general council: and at the approach of death he passed a bill expressly confirming all those of his predecessor.—The *regale* is a right claimed by the king of France to enjoy the revenues of the vacant sees till the oath of fidelity is taken and registered in the parliament of Paris. It includes, also, the power of nominating to the benefices and dignities in the gift of the bishop or archbishop, during the vacancy. The *franchises* were privileges of asylum, annexed not only to the houses of ambassadors at Rome, but even to the whole district where any ambassador chanced to live. This privilege was become a most terrible nuisance, inasmuch as it afforded protection to the most atrocious criminals, who filled the city with rapine and murder. Innocent XI. resolving to remove this evil, published a bull abolishing the *franchises*; and almost all the catholic powers of Europe acquiesced in what he had done, on being duly informed of the grievance. But Louis XIV., from a spirit of illimitable pride and insolence, refused to part with any thing that looked like a prerogative of his crown. He said, the king of France was not the imitator, but a pattern and example for other

BOOK I. princes. He rejected with disdain the mild representations of the pope. He sent the marquis de Lavardin as his ambassador to Rome, with a formidable train, to affront Innocent even in his own city. That nobleman executed his commission with every circumstance of insult. He entered Rome in a hostile manner, with several troops of horse, which kept guard in the franchises, and set the papal authority at defiance. The pope in revenge excommunicated Lavardin; and concurred with the allies in all their projects for the reduction of the power of France, refusing to confirm the election of a coadjutor to Cologne, and defeating the views of France in favor of cardinal Furstenberg upon Liege; by which means a great facility was given to the prince of Orange's expedition to England.—Alexander VIII. was succeeded by cardinal Pignatelli, who took the name of Innocent XII. in respect to the memory of Odeschalchi, to whom he owed his promotion, whose principles and policy it was his ambition to adopt, and of whose maxims and conduct he had been a long and attentive observer.

Accession
of Innocent
XII.

1690. In the summer of 1690, the duke of Savoy, after long hesitation, openly declared himself in favor of the allies, and became a party to the general confederacy. His dominions were immediately invaded by a French army under M. de Catinat, a commander of consummate skill, who, August

Invasion of
Savoy by
the French.

the 3d, totally defeated the troops of Savoy at Saluzzo,* and passing the mountains he reduced the greater part of that duchy with the important fortress of Suza. The duke, who was a man of ability and address, finding himself deserted by Spain and the emperor, notwithstanding their lavish promises of support, now applied himself, in a most respectful, or, more properly speaking, adulatory manner, to the king of England, through the medium of his chief minister and ambassador extraordinary, the count de la Tour. "His royal highness, my master," said the count, at his first public audience of the king, "does, by me, congratulate your sacred majesty's glorious accession to the crown. It was due to your birth, was deserved by your virtue, and is maintained by your valor. Providence had designed it for your sacred head, for the accomplishment of its eternal decrees, which, after long patience, do always tend to raise up chosen souls to repress violence and protect justice. The wonderful beginnings of your reign are most certain presages of the blessings which heaven prepares for the uprightness of your intentions, which have no other scope than to restore this flourishing kingdom to its first greatness, and break the chains which Europe

BOOK I
1690.

Battle of
Saluzzo.

* This battle was fought in sight of the town of Saluzzo, or Saluces, near the abbey of Staffarda, from which in the French accounts it derives its name.

BOOK I
1690.

groans under. These are the sincere sentiments of his royal highness ; to which I dare not add any thing of mine : for, how ardent soever my zeal may be, and however profound the veneration which I bear to your glorious achievements, I think I cannot better express either, than by a silence full of admiration." Gratified, probably, by these high and flattering compliments, and certainly incited by the most forcible and obvious motives of policy; the king received the ambassador of Savoy very graciously, and gave him the strongest assurances of effectual support and protection.

Battle of
Fleurus.

During this campaign the prince of Waldeck was opposed in Flanders by the *maréchal duc de Luxemburg*: and in June 1690 a general engagement took place at *Fleurus*, in which *Luxemburg*, by a display of great military talents, obtained the advantage—the confederate army being compelled to retreat with the loss of 7 or 8000 men. The cavalry of the allies in this engagement behaved ill, and, having been once discomfited, could never be brought to rally ; but the infantry did wonders, and, deserted as they were, resisted all attacks, and at length quitted the field in such admirable order, that the duke of *Luxemburg* in rapture exclaimed, " that they surpassed the Spanish foot at the battle of *Rocroy*. The prince of *Waldeck*," said he, " ought ever to remember the French horse ; and I shall never forget the Dutch infantry."

Early in the present year (1690) the archduke BOOK I.
1690. Joseph had been unanimously elected king of the Romans, in conformity to the eager wishes of the emperor. The duke of Lorraine being now no more, the command of the imperial army on the Rhine was conferred on the elector of Bava- Archduke Joseph elected King of the Romans. ria; and the French were conducted by the dauphin: but the campaign on this side was merely and mutually defensive, and its operations too unimportant to relate. An inroad was a second time made by M. de Noailles into Catalonia; but at the approach of the winter he abandoned his conquests, and retired to Rousillon.

Before the king of England had taken the field, in the spring of 1691, and even while the 1691. congress was still sitting at the Hague, the French suddenly invested the city of Mons, which the prince of Waldeck attempted in vain to relieve. Capture of Mons by the French. And the Maréchal de Luxemburg was on his march to surprise Brussels, when the king of England put himself at the head of the allied army, by this time confessedly superior to that of the enemy, and effectually covered Brussels from attack; after which he sent a detachment to the relief of Liege, threatened by maréchal Boufflers. The king, now passing the Sambre, tried all possible means to bring the enemy to a battle, exhausting his invention in marches, coun-

BOOK I.

1691.

Successes of
Marechal
Catinat in
Italy.

ter-marches, and stratagems ; but, being in every attempt disappointed by the skill and caution of Luxemburg, he relinquished the command to the prince of Waldeck, and retired in September to Loo. The campaign on the Rhine, where the elector of Saxony this year commanded, was equally inactive. In Catalonia, the duc de Noailles again renewed his unavailing incursions.

But on the side of Italy, M. de Catinat made himself master of Montalban, Villa Franca, Nice, and Carmagnola, a place not more than nine miles distance from Turin. He then invested the strong fortress of Coni, situated on the summit of a steep and craggy mountain, and defended by a numerous garrison. At this critical period the king of England sent to the assistance of the duke of Savoy a body of auxiliary troops, commanded by a very able officer, the duke of Schomberg, son of the late famous *maréchal* Schomberg, preceded by a welcome and seasonable supply of money. A resolution being taken, in pursuance of the advice given by the new general, to attempt the relief of Coni, a large body of troops under the command of prince Eugene of Savoy, then rising into military eminence, was detached upon this hazardous expedition : which he executed with such address, that M. Bulonde, who directed the operations of the siege, after losing a great number of men before

the walls, raised it in extreme haste and confusion, leaving behind him large quantities of stores and several pieces of artillery. Prince Eugene then attacked and captured Carmagnola, and obliged M. Catinat to retire with his whole army beyond the Po. At this intelligence the court of Versailles was struck with great astonishment. Louvois appeared inconsolable; and shedding, or pretending to shed, tears when he related these disasters to the king, Louis told him with calmness, "that he was spoiled by good fortune." At the end of the campaign, nevertheless, M. de Catinat again retrieved his reputation, and in some degree his superiority, by taking the town and castle of Montmélian.

BOOK I.
1691.

Reverse of
Fortuna.

Although the emperor had been repeatedly and seriously exhorted by the diet to conclude peace with the Turks, in order to carry on the war with greater effect against France; and the grandseignor had himself requested the mediation of England for that purpose; yet the tide of success which had attended the imperial arms in Hungary since the defeat of the Turks at Vienna incited him to prosecute the war, with the hope of adding each year something farther to his conquests. He was well pleased that the war in Flanders and on the Rhine should be carried on at the expence of England, Holland, and the Empire, while he was making such considerable acquisitions of power and territory in the provinces bordering on the Da-

Insidious
Policy of
the Empe-
ror.

BOOK I.
1691.

Campaign
in Hungary.

Successes of
the Prince
of Baden.

nube. Hatred of heresy and hatred of France being his ruling passions, he deemed himself in some sense a gainer whichever side should lose. Prince Louis of Baden had succeeded to the duke of Lorraine in the command of the imperial armies in Hungary, and acquired suddenly a most splendid reputation by defeating the Turks during the course of the campaign of 1689, in three successive engagements, and taking the towns of Nissa, Widin, &c. His career of victory was, however, for a time impeded by the efforts of the grand vizier Kuiperli, lineally descended from the two former celebrated viziers of the same name; who alone had given to the Ottoman empire, since its foundation, the example of a family powerful and illustrious for successive generations. This able statesman and general, during the short term of his command, recovered Belgrade, and infused a new spirit into the Turkish armies. After giving a striking proof what great things may be effected in a very short time by a man of extraordinary virtues and talents, he lost his life, A. D. 1691; gloriously fighting in an engagement with the Germans, commanded by the Prince of Baden, at Salankaman on the Danube. His death was followed, as might be expected, by a total defeat of the Turkish army; and the emperor was now anew prompted to persevere in the prosecution of a war, in the course of which he

had risen from a state of the lowest political depression to so exalted a height of fortune. The apprehensions of his imperial majesty respecting the defection of his great ally the king of Poland, who was married to a French princess, and whose sentiments in relation to the object of the Augsburg confederacy had been regarded as somewhat doubtful, were now also happily removed. "Having," says the emperor, in a letter written by him to the king of Poland, dated March 18, 1689, "for what concerns a speedy and honorable peace with the Turks, already declared in our former letters our sentiments to your *serenity*"—for the Austrian pride had ever refused to the elective kings of Poland the title of *majesty*—"and being glad to hear that your *serenity* is sending to us an envoy plenipotentiary; we have now thought fit, at the instance of the states of the Empire, and out of the fraternal confidence we have in your *serenity*, to write this; not that we think your *serenity* wants to be exhorted to prefer the friendship which for so many ages has continued without interruption between us, the Roman empire, and the crown of Poland, before the machinations of France; or that your *serenity*, after having fought so gloriously against the common enemy of Christendom, can now be induced to favor their abettors, adherents, and confederates, the French; or to assist

BOOK I. directly or indirectly their designs—but amicably
 1691. and brotherly to desire you, on our part, and in the name of the Empire, to take such measures and resolutions with the whole republic of Poland, that, proceeding with united counsels and forces, the horrid perfidiousness of France may be punished, and a firm and lasting peace at length established in Christendom.”—And concluding in a style of unprecedented condescension, he says, “ We doubt not your MAJESTY will return us an answer agreeable to our mutual friendship.” A favorable answer being received from the king of Poland to this epistle; and the Poles and Venetians continuing faithful to the league against the infidels; the emperor still indulged sanguine hopes of new victories and conquests, and suffered himself to be amused and flattered by the circle of courtiers and parasites with the splendid dream of advancing to Constantinople, and of subverting the Turkish empire in Europe.

Session of
Parliament.

Towards the close of the autumn 1691, king William returned to England, the parliament being summoned to meet on the 22d of October. The speech from the throne recommended in strong terms the vigorous prosecution of the war. Loyal addresses and great supplies were voted as usual: but the nation at large was much disappointed and chagrined at the ill success of the

last campaign : and the more enlightened part of the public began extremely to doubt the policy of continuing the continental war at so enormous an expence and with so little effect. It was said, that the confederacy of continental princes, if they resolutely exerted their powers, was fully equal to check the ambitious projects of France ; that England had but a remote and secondary interest in these contentions ; that the emperor, depending on the strength and resources of Great Britain, pursued his victories in Hungary, apparently forgetful that he was himself the head of the league of Augsburg, and the chief of the grand alliance. “ It would have cost less,” says lord Delamere in his famous pamphlet, styled *Impartial Enquiry*, &c. “ than the money given to have sent out yearly a royal fleet of an hundred sail for our defence and glory. This alone had secured Europe from French tyranny, had given safety and peace to England, and made all nations court our friendship. Surely these things could not have been forgotten, having been so lately proved by *those* who pursued this course, who were without right and title to the government, and yet were submitted to by all the world. But, on the contrary, these advisers must needs understand, that when they counselled the king to war against France at land, it must be upon very unequal terms both of expence and hazard.

BOOK I.
1691.

Can we hope this summer, or the next, to gain those frontier cities and garrisons which it hath cost the French monarch near thirty years to complete and many millions to fortify?"

The zealous whigs were not indeed at this time disposed to view the measures of the king with any peculiar predilection. The Tories were still the favored and governing party; and at this very period the earl of Rochester, lord Ranelagh, and sir Edward Seymour, three of the leading men in that interest, were sworn of the privy council. The earl of Pembroke, a nobleman of respectable talents, and disinterested views, who attempted with reputation and success the difficult task of steering between the two opposite state factions, was advanced to the office of lord privy seal; and lord Sydney, a man of art and address, who retained a strong personal interest with the king, though a whig, was appointed lord lieutenant of Ireland. The behaviour of the king himself was not calculated to acquire popularity. He was of a disposition naturally silent, reserved, and thoughtful. He never appeared perfectly naturalised amongst the English; and was scarcely ever known to unbend himself but in company with his Dutch counsellors and favorites, Bentinck, Zuylestein, Auverquerque, &c. He avoided coming to the metropolis except on council days, and spent his leisure

Unpopularity of the king.

hours either in stag-hunting, of which diversion he was passionately fond, or at his favorite residence of Hampton Court, where he expended much money in magnificent and, as many affected to style them, superfluous embellishments. He was persuaded indeed to make a visit to the university of Cambridge, to partake, like king Charles II. of the sports of the turf at Newmarket, and to accept of the freedom of the city of London; but these condescensions not being natural to him, the coldness of his manner predominated over, and perhaps even cancelled, the sense of the obligation.

BOOK I.
1691.

An attempt, which extremely attracted the attention of the public, was made during this session, by a very powerful combination of commercial adventurers, wholly to supersede and annihilate the existing East India Company, who had, as their enemies alleged, greatly abused their powers and privileges, and to establish a new company upon their ruins. This design was however opposed with vigor and spirit. The company was first incorporated in the 43d of Elizabeth, with an exclusive right of commerce, upon a joint stock, for the term of fifteen years. In the 7th of James I. they obtained a charter erecting them into a perpetual body politic. In the year 1661 they received from king Charles II. a charter of confirmation, with a donation shortly after-

Affairs of
the East
India Com
pany.

BOOK I.
1691.

wards from the royal bounty of the islands of Bombay and St. Helena. Lastly, another charter of confirmation was granted them in the second year of the late king James II. ; all however under a proviso, that upon a three-years' notice it should be in the power of the crown to make those charters void. Such was the flourishing state of the company's affairs in 1680, and several following years, that the price of India stock rose to 360 per cent. and the dividends were proportionable. But for about seven years past, by reason, it was affirmed, of the pernicious projects and under the mischievous management chiefly of sir Josiah Child, the stock was greatly sunk in value, and the company involved in extreme embarrassments. It was said, "that the directors had engaged in unjust and unnecessary wars, both with the emperor of Hindostan and the king of Siam, to the great injury both of their finances and reputation ; that there had been gross abuse respecting contracts and in the article of freight, and the proprietors injured thereby to a vast amount ; that great sums had been corruptly advanced, to secure the favor of persons supposed to have interest at court ; that they had disgraced themselves and defrauded the public, by fixing a paper on the treasury door, declaring that they could pay no more for a certain time ; proving, by this means, that those in the direc-

tion had been so busy in dividing, that the obligation of paying was forgotten. Lastly, it was alleged against them, that they had exceeded their powers, and had acted not only illegally but criminally, in putting persons to death at St. Helena by martial law, in contempt of the known constitution of the kingdom." The company replied, "that they had neither exceeded their powers nor abused their trust. Among their powers was that of holding courts-martial, and of military punishments. Even in the affair of St. Helena, which had drawn down upon them such heavy censure, they were justified by an express commission from the late king James; that the temper of the court was such at the time this commission was granted, that if they had presumed to question its validity, or even to insinuate the expediency of its being ratified in parliament, they had exchanged protection for indignation, and been infallibly exposed to all the rigors of a *quo warranto*. As to the war with the Mogul, it was so far from being perfidious, unprovoked, and piratical, as represented by their adversaries, that it was just, necessary, and unavoidable.* Un-

BOOK I
1691.

* The partisans of the existing company having pretended that the war with the Mogul had terminated in a very advantageous peace, their opponents were malicious enough to publish a translation of the *phirmaund* issued upon that occasion by Aurengzebe, emperor of Hindostan, which is as fol-

BOOK I.
1691.

der such a variety of pressures, oppressed and embarrassed by the Indian governors, opposed by the French, the Dutch, and the Danes, they admitted that their returns had diminished, and the management of their affairs was become more difficult; that nevertheless the company was so far from being in a bankrupt condition, that they were abundantly able to satisfy all demands, and to carry on their trade with as large a stock, and, as they had now reason to believe, to as much advantage as ever; that in truth it was not on account of their supposed poverty, but their sup-

lows: "ALL the ENGLISH having made an humble submissive petition, that the ill crimes they have done may be pardoned; and requested a noble *phirmaund* to make their being forgiven manifest, and sent their *vakeels* to the heavenly palace, the most illustrious in the world, to obtain the royal favor; and Ettimaund Chaune the governor of Surat's representation to the famous court, equal to the skies, being arrived, that they would present the great king with a fine of 150,000 rupees to his noble treasury resembling the sun, and would restore the merchants' goods they took away to the owners of them, and would walk by the ancient customs of the port, and behave themselves for the future no more in such a shameful manner: WHEREFORE his majesty, according to his daily favor to all people of the world, hath pardoned their faults, mercifully forgiving them; and out of his princely condescension agrees that the present be put into the treasury of the port, the merchants' goods be returned, the town flourish, and they follow their trade as in former times, and Mr. Child, who did the disgrace, be turned out and expelled.—THIS ORDER IS IRREVERSIBLE."

posed wealth, that all this clamor had been let loose against them ; that, as to their postponing their payments, it was no more than had been done, not only by the chamber of London, but even the exchequer itself ; that, upon the whole, they had done nothing to forfeit the protection of the government, the good opinion of the people, or the powers and privileges granted to them by their charters ; and whatever national improvements the trade was capable of, might be as well obtained on the present model as under any other."

BOOK I.
1691.

After long and vehement debates, the house of commons passed a series of resolutions upon the ground of which "*it might be proper to prolong and continue the charter of the present company.*" The company thought good to accede to these conditions, among which were several very hard of digestion ; particularly the resolutions enjoining that no one person should have or possess any share of East India stock exceeding 5000*l.*, and that all persons now having above the sum of 5000*l.* in the stock of the present company, in their own or other persons' names, be obliged to sell so much thereof as should exceed the said sum of 5000*l.* at the rate of 100*l.* in money for every 100*l.* stock. A committee was at length appointed to prepare and bring in a bill to establish an East India company accord-

BOOK I.
1692.

nobleman was beyond all reasonable doubt owing to the authentic information received by the king of his treasonable practices. The dark and crooked policy of those who engaged in this extraordinary scene of dissimulation, makes it extremely questionable whether any measures were really taken by them with a view to facilitate the restoration of the late king. The earl of Marlborough, who was perhaps the greatest adept in this Machiavelian school, wrote, as appears, letters of deep contrition to the court of St. Germaine's, imploring pardon and forgiveness for his past conduct, which James thought it expedient to grant, though he justly entertained the greatest doubts respecting his present sincerity, and which his recent services at Cork and Kinsale were ill calculated to remove. A message was moreover sent by Marlborough to James, engaging to excite a revolt in the army; of which being after a considerable interval reminded, he declared that he had been misunderstood by the person, captain Lloyd, who conveyed it. On which James remarked, "that he suspected Churchill wished to regain his confidence only to be able a second time to betray him." Not only were such flagitious or problematic characters as Sunderland, Halifax, Monmouth, Marlborough, &c. deeply involved in these machinations and cabals, but men of the greatest private, and, in

other respects, public virtue—Godolphin, Shrewsbury, and Russel. Even the marquis of Carmarthen, one of the heads of the present administration, became a plotter or pretended plotter against the government: but the character of the earl of Nottingham, to his lasting honor, stands untainted and unimpeached*. About the end of the year 1690, it appears that colonel Bulkley and colonel Sackville arrived from St. Germaine's in England, and applied with success to the lords Godolphin, Halifax, and Marlborough; and a promise of pardon being not only obtained, but executed in form, Shrewsbury and Carmarthen professed their conversion. The admirals Russel and Carter followed their example; and in a short time also the princess of Denmark joined the same party. Some months afterwards the earl of Middleton was sent over to England. A considerable time was spent in adjusting terms, because the whigs, and particularly Russel, contended for concession after concession for the security of the constitution. At length all things were settled, and the court of St. Germaine's obtained assurances that the army would be directed by Marlborough, the fleet by Russel, and

* Vide the Dalrymple and M'Pherson Collections of State Papers, *passim*.

BOOK I. the church by the Princess Anne. Marlborough
1692. was, at his own request, and as a refinement of dissimulation, excepted from the declaration of pardon. During the preparations for an invasion, the correspondence between Russel and James continued; in the course of which Russel entreated James to prevent the two fleets from meeting, warning him, that, as an officer and an Englishman, it behoved him to fire upon the first French ship that he met, although he saw James upon the quarter-deck: and he complained that proper provision was not yet made for the security of the subject—so that James was provoked to say, “Russel’s views were not so much directed to serve him, as from republican principles to degrade monarchy in his person. If he missed the French fleet, he would claim credit with him; if he met it, he would, as was manifest, use his utmost efforts in favor of his rival.” In the books of the privy council, May 3, 1692, there is a warrant for seizing Bulkley, Lloyd, and Middleton; and on the 23d of June following the names of Shrewsbury, Halifax, and Marlborough, were struck out of the council-book. The most easy and obvious mode of accounting for the prevalence of a conduct so treacherous, is the extreme apprehension which appears to have been almost universally entertained of the even-

tuul restoration of the late king. For the extraordinary political revolutions which had taken place in the course of the last half century—the dethronement and death of king Charles I.—the establishment of a commonwealth, with its sudden subversion—the consequent restoration of king Charles II.—the deposition and expulsion of James, and the surprising advancement of the prince of Orange to the crown, made the re-establishment of the late king appear incomparably more feasible to the contemporary actors than it is now easy to credit or conceive—supported, as it must ever be remembered, James at this period was, by the mighty and, in the current opinion of numbers, irresistible power of France.

BOOK I.
1693.

A great coolness had for some time subsisted between the king and queen, and the prince and princess of Denmark, on account of an application made by the princess to parliament for an independent revenue without the privity of the king, and the actual grant of the sum of 50,000*l.* per annum, by the house of commons, out of the civil list for that purpose. This misunderstanding was now much heightened by the refusal of the princess, at the request or rather command of the queen, to dismiss the countess of Marlborough from her household, where she had long occupied the station of first lady of the bedcham-

Prince and Princess of Denmark cease to appear at the Court of St. James's.

BOOK I.
1698.

ber, and had possessed the highest place in the affection and favor of her royal mistress. From this time the prince and princess of Denmark no longer appeared in the court of St. James's, and the rupture in the royal family became unavoidably public and visible to all.

BOOK II.

King embarks for Holland. Namur captured by the French. Battle of Steinkirk. Grandcal's Plot. Campaign on the Rhine, &c. Hanover erected into a ninth Electorate. Machinations of the Jacobites. Victory off La Hogue. Session of Parliament. Earl of Marlborough released from the Tower. Dismission of Admiral Russel. Affairs of the East India Company. Royal Assent refused to the Triennial Bill. Enquiry into the State of Ireland. Sir John Somers made Lord Keeper of the Great Seal. Battle of Landen. Charleroy taken by M. Luxemburg. Campaign on the Rhine. Sack of Heidelberg. Battle of Marsiglia. Smyrna Fleet captured. Affairs of Scotland. Massacre of Glencoe. Remarkable Declaration of K. James. Intrigues of the Court of St. Germaine's. Earl of Nottingham dismissed. Earl of Sunderland in favor with the King. Death of the Marquis of Halifax. Whigs regain their Ascendency. Pacific Advances of France rejected. Royal Assent refused to the Place Bill. Bank of England established. Affairs of the East India Company. State of Ireland. The Lords Justices Coningsby and Porter impeached. Mr. Montague constituted Chancellor of the Exchequer. Campaign in Flanders, &c. Admiral Wheeler shipwrecked. Disastrous Attempt on Brest. Session of Parliament. Triennial Act passed. Death of Archbishop Tillotson—and of Sancroft. Illness and Death of the Queen. Princess of Denmark reconciled to the King. Speaker of the House of Commons expelled the House. Duke of Leeds impeached for Malversations in Office. Sir William

Trumbull made Secretary of State. Affairs of Scotland. African Company established. State of Ireland. Wise Government of Lord Capel.

BOOK II.

1692.
King embarks for Holland.

ON the 5th of March 1692 the king embarked for Holland, and arrived in a few days afterwards at Loo; whence he quickly repaired to the army, now assembled near Louvain. Through the influence and at the express recommendation of the king of England, the Elector of Bavaria had been recently appointed governor of the Spanish Netherlands, through whose care and activity those provinces exhibited a much better posture of defence than formerly; and great hopes were anew entertained of a successful campaign, especially as M. de Louvois, who was supposed the soul of the French councils, was now dead. The offices so long held by that minister had been conferred upon his son, the marquis de Barbesieux, whose capacity was considered and proved by subsequent experience to be of a very inferior class. The king of France took the field in person, attended by a vast retinue, in Asiatic pomp, and on the 20th of May 1692 joined the army under the command of *maréchal* Luxemburg, which he found in excellent order, furnished with all things necessary for the attempting some great exploit. The French army being put in motion on the 23d, the confederates were in pain for Charleroy: but the storm burst on the other side. On a sudden,

the French monarch, assisted by the *maréchaux* BOOK II.
 Boufflers and Vauban, sat down before Namur, 1692.
 while the duke of Luxemburg covered the
 siege.

NAMUR, situated at the conflux of the Sambre Namur captured by the French.
 and Maese, is accounted one of the strongest
 fortresses in the Low Countries, and it was de-
 fended by a numerous garrison commanded by
 the prince de Barbazon. Of this officer the king
 had conceived an ill opinion; but the elector of
 Bavaria, loth to disgrace a person of his high rank
 upon a mere suspicion, contented himself with
 ordering the count de Thian to accompany him
 in the siege, with instructions to watch his conduct.
 But the event shewed how essential to the success
 of great designs are the qualities of vigor and
 decision. The French army opened their trenches
 in the night of the 29th of May; and on the 5th
 of June, when the attack had scarcely com-
 menced, the town capitulated, on condition that
 the garrison should be allowed forty hours to retire
 into the citadel. King William was on his march
 towards the Mehaigné, in order to relieve the
 place, when he received notice of this surprising
 event, and that the French had invested the cita-
 del. Having received large reinforcements, and
 his army now amounting to upwards of 100,000
 men, he resolved to venture a battle, in the hope
 of saving this grand bulwark of the Low Countries.

BOOK II.

1692.

the nature of the ground could not act, and ordered the foot to halt, saying to those about him, "Let us see what sport these English bulldogs will make us!" The king astonished and enraged at this disobedience, brought up in person the reserve of infantry to the relief of the van. But it was now too late. M. de Luxemburg had time to rally his broken battalions, which task he performed with great and consummate skill; the princes of the blood and nobles leading them, under his direction, back to the conflict, and charging sword in hand. Four hours this dreadful scene of carnage lasted, and never was encounter more obstinate and bloody. The allies at length overpowered by numbers, and exhausted by fatigue, were compelled to give way, despairing of effectual support. The king, who had impatiently expected the approach of count Solmes, was heard repeatedly to exclaim, "O my poor English! how they are abandoned!" He now displayed all the ability and presence of mind of a great general, in re-forming the troops and restoring order and confidence. But the night drawing on precluded a renewal of the attempt, and a general retreat was thought necessary, which was performed, under the immediate direction of the king, with great judgment and military skill. The conduct of count Solmes on this disastrous day could never be adequately

accounted for: It was only known, that he hated the English, and was extremely jealous of the prince of Wirtemberg, having himself aspired to the command of the column of attack. Being an officer in great estimation with the Dutch, he was never punished for his misconduct as he deserved; but the king would not admit him into his presence for many months after. Previous to the engagement, Millevoux, a detected spy, had been compelled by menaces to mislead the French general with false intelligence, importing that he need not be alarmed at the motions of the allies, who intended next day to make a general forage. The reputation lost by Luxemburg upon this occasion, in suffering himself to be surprised, he more than retrieved by his subsequent exertions. The loss of the French, nevertheless, in this engagement, was at least as great as that sustained by the allies, who had to regret two excellent officers, in the generals Mackay and Lanier, and about 6 or 7000 men killed, wounded, and prisoners. M. de Feuquières acknowledges, "that the design of the king of England in this attack was truly great, but that he ought not to have disposed his forces in order of battle when they had passed through the defiles; but, as he marched them in different columns through those defiles, he should have attacked the front of the French camp in the same order, and on the same direc-

BOOK II. tion, to take the whole benefit of the enemy's
 1692. first surprise, to penetrate their lines, to hinder
 their forming at all, and to improve the confusion
 so created into a perfect rout." After this action,
 nothing of consequence was attempted on either
 side during the remaining part of the campaign.

Grandval's
 Plot.

A horrid conspiracy against the life of king William was discovered in the month of August 1692. It appears that this plot was formed in the course of the last year; that M. de Grandval, a captain of dragoons in the French service, M. Dumont, and colonel Parker, had proposed this assassination to M. Louvois, who listened to it with approbation. But the design proved abortive through the want of resolution on the part of Dumont, who retired in the close of the year to Hanover. Suspicions arising from hints dropped by Dumont, and reported to the king's envoy at Hanover, that some dangerous design was in agitation, one Leefdale, a Dutchman, was sent to France as a spy, who, ingratiating himself into the confidence of Grandval, pretended to engage as an accomplice in the conspiracy; and Dumont at length revealed all the circumstances of the plot to the duke of Zell. Grandval, having accompanied Leefdale to Holland, was arrested at Eynhoven. When he found that Dumont and Leefdale had turned informers, he made a free and full confession of the whole business. Being

afterwards tried by a court-martial, of which the earl of Athlone was president, he was unanimously convicted, and soon afterwards executed in the camp. The particulars of his confession, as enumerated in the sentence of the court-martial, are extremely remarkable. It appears, "that the marquis de Barbesieux, having found the project of this plot among his father's papers, held several conferences with the assassins respecting it; and that the plan was finally agreed upon with this minister—that on the 16th of April 1692, Grandval, Leefdale, and Parker, went to St. Germaine's to speak with the late king James about the said design, who had knowledge of it, and to take leave of him before they began their journey—that the prisoner had audience of the king, the queen being present; the king telling him: 'Parker has given me an account of the business: if you and the other officers do me this service, you shall never want.'—That the prisoner, with Chanlais (quarter-master general to the French king) and Leefdale, were agreed in what manner the assassination should be committed; viz. that when the king should ride along the lines, or should go out to take any view, &c. Dumont should lie in ambuscade and fire upon the king; that Chanlais should be with 3000 horse at the duke of Luxemburg's grand guard: the prisoner saying, that it little concerned them whether

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Dumont should be taken or not, provided they could escape themselves—that the prisoner, as they were travelling, told Leefdale, that, their design taking place, the alliance among the confederate princes would be broken; that the princes concerned would each of them recall their troops, that, the country being thereby left without soldiers, the king of France would easily make himself master of it, and king James would be restored again—that the prisoner, with Leefdale, went to the mayor of Bois-le-duc, and was apprehended at Eindhoven.” However black the colors in which this confession, which was very long and circumstantial, exhibited the courts of Versailles and St. Germaine, no disavowal or attempt at confutation appeared, but it was suffered to pass with every symptom of conscious guilt into silent oblivion.

Campaign
on the
Rhine, &c.
1692.

The campaign on the Rhine this year furnished no event worthy of historic notice. The same may be said of the war in Catalonia. In Hungary, the important town of Great Waradin surrendered to the Imperial arms after a long blockade. The superiority of the confederates seemed this year conspicuous, chiefly on the side of Italy; the duke of Savoy, accompanied by M. Schomberg and prince Eugene, making a formidable irruption into Dauphiné, crossing the Durance, and reducing Fort Guillestre, with the towns of

Ambrun and Gap. Maréchal Catinat, at the ^{BOOK II.} head of an inconsiderable force, exerted himself _{1692.} in vain to stop the progress of the allies, who threatened the city of Grenoble, and even Lyons itself. Large contributions were levied, and near eighty châteaux and villages destroyed, in revenge for the ravages committed by the French in the Palatinate. France has rarely been exposed to a more dangerous attack. M. Schomberg, who commanded the English auxiliaries, published a declaration in the name of the king of England, inviting all persons to repair to his standard, and assuring them "that his majesty had no other aim in causing his forces to enter France, than to restore the nobility and gentry to their ancient splendor, the parliaments to their former authority, and the PEOPLE to their just privileges." This manifesto, however honorable and noble its object, produced in the present enslaved and torpid condition of the country very little effect; and it may easily be supposed not very palatable to the other powers of the alliance. From whatever cause they might originate, dissensions arose and differences of opinion prevailed amongst the generals of an army composed of Italians, English, Germans, and Spaniards. A dangerous illness which at this time seized the duke of Savoy, the vigilance of Catinat, who had possessed himself of some important passes, and the approach of

BOOK II. **1692.** winter, made it expedient to think of a retreat ; and after demolishing the fortifications of Ambrun, they evacuated their conquests with a facility and rapidity not inferior to that with which they had been acquired.

Hanover
erected into
a ninth
Electorate.

The protestant interest in Germany acquired this year an accession of strength, by the creation of a ninth electorate in favor of Ernest Augustus duke of Hanover. Renouncing its ancient connection with France, that serene House now formed new ties of amity and alliance with England ; and it was in consequence of the powerful interposition of king William that the Emperor at length reluctantly consented to bestow upon it this high and envied dignity ; to which was annexed the office of great marshal of the empire ; but though honored with the imperial investiture, the duke was not yet admitted to take his seat in the electoral college, the unanimous assent of the electors being found unobtainable.

Machina-
tions of the
Jacobites.

Towards the end of October 1692 the king returned to England, where events of great importance had taken place in his absence. On the presumption that he would pass the summer months on the continent, the Jacobites had renewed their machinations with incredible zeal and activity. So early in the year as January, colonel Parker arrived in England, and communicated in confidence to various persons the design

of assassinating the king in Flanders, and of making at the same time a descent upon England. He assured them that their lawful sovereign would once more visit his dominions, at the head of 30,000 men, to be embarked at La Hogue, the transports being already collected, and a fleet equipped for their convoy. He therefore exhorted them to be speedy and secret in their preparations, that they might be in readiness to take arms and co-operate in effecting his restoration*. King James himself at the same time published a declaration, which was assiduously circulated by Parker and his other emissaries in England, importing, "that the king of France had enabled him to make another effort to retrieve his crown, and soliciting all persons to join his standard—making grievous complaints of the treatment which he had met with from his *infatuated* subjects. Seeing himself deserted by his army, and betrayed by his ministers, he had for his personal safety taken refuge in France; and his retreat from the malice and cruel designs of the usurper had been construed into an abdication, and the whole constitution of the monarchy destroyed by a set of men illegally assembled. He promised pardon, and even rewards, to all those who

* Vide depositions of Blair, Goodman, &c. taken before the secretary of state.

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1692.

should return to their duty ; and engaged to procure in his first parliament an act of indemnity, with the exception nevertheless of a long catalogue of names *, enumerated in the declaration, concluding with vague and general promises of protection to the church as by law established ; and pompous protestations of paternal care and watchful attention to the welfare and happiness of all his subjects." The agents of the late king were indefatigable in enlisting men for his service ; and were particularly successful in the counties of York, Lancaster, and Durham, where the chief strength of the papists lay. By this time James had repaired in person to La Hogue, and was ready to embark with his army, consisting of a body of French troops, together with a considerable number of English and Scottish refugees, and the regiments transported from Ireland by virtue of the capitulation of Limerick. The government of England was well informed of these proceedings, in part by some agents of James, who betrayed his cause, and partly by admiral Carter, who, having been tampered with by the Jacobite emissaries, was instructed to

* Amongst these were the duke of Ormond, the lords Sunderland, Danby, Nottingham, Churchill, Delamere, Cornbury, &c. &c. ; the bishops of London and St. Asaph, Drs. Tillotson and Burnet ; and Edwards, Stapleton, and Hunt, fishermen at Feversham.

amuse them with a negotiation. The queen issued a proclamation commanding all papists to depart from London and Westminster. Warrants were expedited for apprehending divers disaffected persons. The earls of Huntingdon, Marlborough, Dunmore, and Middleton, &c. were committed to the Tower: and various other suspected persons imprisoned in Newgate, amongst whom was the notorious Ferguson, said to have been engaged in every plot against the government for the last thirty years. The bishop of Rochester was confined to his own house, and the lords Brudenel and Fanshaw secured. The train-bands of London and Westminster were armed by the queen's direction, and she reviewed them in person. And the grand channel fleet, under admiral Russel, was ordered to put to sea with all expedition. In consequence of a very prevailing report, not to say belief, of the disaffection of the officers, the queen ordered lord Nottingham to write to the admiral, that she would change none of them; and that she imputed the reports that had been raised to the contrivances of her enemies and theirs. This step, equally politic and generous, produced a very warm and loyal address from the naval commanders and captains, in which they vowed they were ready to die in her cause and that of their country. Far from prohibiting James's declaration, she

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ordered it to be published with an answer drawn by Lloyd bishop of St. Asaph—thus manifesting that she submitted her title to the reason of her subjects, instead of betraying a fear that it could not stand the test of examination.

On the 5th of May (1692) the admiral sailed from the Nore; and, being anxious to join the squadrons of Carter and Delaval, then cruising on the coast of France, after being himself joined by the Dutch, he plied through the sands with a scanty wind from the Nore to the Downs, and with much difficulty and excellent seamanship effected the desired junction off Beachy-head; thus disappointing the hopes of Tourville, the French admiral, who had formed a plan to intercept them.

Victory off
La Hogue.

On the 19th of May they descried the enemy's fleet to windward, bearing down upon them with full sail—Cape Barfleur being then about seven leagues to the S. W. The English and Dutch fleets conjoined consisted of no less than ninety-nine ships of the line, being, next to the Spanish armada, the greatest armament ever seen in the English channel. The count de Tourville, though far inferior in force, had positive orders from his court to fight, under the persuasion that the Dutch had not yet left their harbours: and when he discovered his mistake, it was too late to retreat. The count himself, in the *Soleil Royal* of 110 guns, bore down upon the English admiral.

with great courage. The battle soon became general, and lasted from ten in the morning till four in the afternoon, when a thick fog arose, and for a time separated the combatants. The sun at length breaking out afresh, admiral Russel perceived the French towing away in great disorder. The signal for a general chase was then made, which continued during the remainder of the evening, and the whole of the night, to the westward—supposing they would make for the harbour of Brest. The next morning, thirty-four of the enemy's ships were seen crowding all their sail, and steering westerly. The pursuit continued with redoubled vigour, without regarding the order of battle, every ship making the best of her way. On the morning of the 22d, part of the French fleet was descried near the Race of Alderney, some at anchor, and some driving to the eastward with the tide of flood. The *Soleil Royal*, having lost her masts, ran ashore, together with the *Admirable*, another first-rate, and the *Conquerant* of 80 guns, near Cherbourg, where they were followed and burnt by sir Ralph Delaval. Eighteen other ships of the enemy's line stood for La Hogue; and, being unable longer to keep the sea or elude the pursuit, as a last resource, stranded themselves as far as possible on the beach. Vice-admiral Rooke immediately ordered the boats and fireships of his squadron,

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under cover of several frigates, to attack them. Of this extraordinary scene the troops destined for the invasion of Great Britain, and encamped at La Hogue, the late king himself, the *maréchal de Bellefonds*, the count de Tourville, &c., in common with many thousands of the people inhabiting the surrounding country, were the amazed spectators. The ships were protected on one side by cannon planted on platforms; and on the other by shallops, manned by numerous crews with all the means of annoyance. Regardless of danger, the British sailors rent the air with shouts; they crowded to the boats with an emulation of eagerness; and no sooner had they reached the ships, than they attacked them in swarms. Scarcely was there an interval between their rising from below, and their appearing masters above; which was immediately proclaimed by their turning the guns upon the enemy: and all opposition being thus disarmed, they proceeded to burn the ships amidst acclamations of triumph; and, having accomplished their design, returned unmolested to the fleet. Thirteen capital ships were thus destroyed, from 84 to 60 guns each, besides transports and store-ships. During the conflict James repeatedly exclaimed with involuntary admiration, "See my brave English!"—conscious, nevertheless, that he was viewing the extinction of his hopes. Sir John

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Ashby, and admiral Allemond the Dutch commander, pursued the remainder of the French fleet, which escaped with great difficulty through the Race of Alderney. The loss of the English and Dutch was altogether trifling. The only flag-officer killed was rear admiral Carter, who fell in the first day's engagement, leaving orders with his captain, almost at his latest breath, to fight the ship as long as she could swim. At the close of the action, James returned in mournful silence to the convent of La Trappe, there to bury in solitude and despair the remembrance of his former greatness. "He now began," as he expresses himself in his Memoirs, "to perceive that Providence meant to lead him through paths of affliction to his grave." From the bosom of his retreat he addressed a letter to the king of France, acknowledging that "this last disaster had entirely overwhelmed him—that he knew too well it was his own unlucky star which had drawn this misfortune upon his forces, always victorious but when they fought for his interests. He therefore entreated his Most Christian Majesty no longer to regard as an object of his concern a monarch so unfortunate as himself—but permit him to retire with his family to some corner of the world, where he might cease to obstruct the usual course of his Most Christian Majesty's prosperity and conquests." Louis endeavoured to alleviate his af-

Despair of
the abdi-
cated mo-
narch.

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fiction by a kind answer, in which he generously promised never to forsake him in the worst of his extremities.

Queen Mary was no sooner informed of the glorious victory gained at La Hogue, than she sent 30,000*l.* to Portsmouth, to be distributed amongst the sailors. She caused medals to be struck in honour of the victory, and as tokens to the officers; and ordered the bodies of admiral Carter and captain Hastings, killed in the battle, to be interred with great funeral pomp. A descent upon the coast of France was also projected, and the troops actually embarked on board the transports; but this scheme was, to the disappointment of the public, ultimately laid aside, and the regiments destined for the service sent to join the army in Flanders.

WILLIAM was received on his return from abroad with very great acclamation, notwithstanding the ill success of the continental campaign: the minds of the people being impressed with the idea of the naval victory, and their consequent deliverance from a French invasion; and their admiration excited by the heroism of the king's character, no less than their indignation at the atrocious conspiracy against his life. On the 4th of November (1692) the parliament met, and were addressed by the king in a very popular speech. "I am sure," said this great monarch

Session of
Parliament.

in conclusion, " I can have no interest but what is yours : we have the same religion to defend, and you cannot be more concerned for the preservation of your liberties and properties, than I am that you should always remain in the full possession and enjoyment of them." At a very early period after the commencement of the session, the earls of Huntingdon, Scarsdale, and Marlborough, who had been committed in May last prisoners to the Tower, where they had lain during some weeks, complained to the house of peers, that, on appearing before the judges of the King's Bench at the Michaelmas term preceding, the court had refused to discharge them from their bail, or to bring them to trial, conformably to the provisions of the habeas-corpus act. On this great debates ensued ; and the house came to a resolution, " that no peer shall be remanded to prison by the King's Bench upon his appearing before them by virtue of the habeas-corpus act, after having entered his prayer to be tried as the said act directs, or kept under bail, unless there be against him two witnesses upon oath, or in a capacity to be sworn." A day being appointed to consider in what manner to discharge the lords under bail for their recognizance, the house was informed, that the king had given orders for their releasement.

The earl of Marlborough had been committed

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Earl of
Marl-
borough
released
from the
Tower.

to the Tower on the information of one Young, a prisoner in Newgate, who had, as it afterwards proved, framed the draft of a treasonable association to assist king James on his landing, to seize on the person of the princess of Orange, &c.; to which he had forged the names of archbishop Sancroft, the bishop of Rochester (Sprat), the earls of Marlborough and Salisbury, lord Cornbury, sir Basil Firebrace, and John Wilcox. One of his emissaries had found means to secrete this paper in the library of the bishop's palace at Bromley in Kent, where it was found by the king's messengers. On the subsequent examination of this prelate by the privy council, the whole villanous imposition was detected, the bishop honourably discharged, the earl of Marlborough admitted to bail, and a bill of forgery and subornation of perjury found by the grand jury of Middlesex against Young.

A misunderstanding having taken place, after the victory of La Hogue, between admiral Russel and the secretary of state lord Nottingham, it was now transferred to the two parliamentary factions, and converted into a political and party contest. In the house of lords the interest of the court predominated, and the earl of Nottingham was completely exculpated. In the house of commons, the advantage remained with Russel. The lower house returned the papers of the se-

cretary of state transmitted from the lords, with the declaration, that they had read and well considered the papers in question, and had unanimously resolved, "that admiral Russel in his command of the fleets had behaved with fidelity, courage, and conduct." They also came to a very pointed vote, "that his majesty be humbly advised, for the necessary support of his government, to employ in his councils and management of his affairs such persons only whose principles oblige them to stand by him and his rights against the late king James and all other pretenders whatsoever." This was extremely invidious, and even unjust. According to the earl of Nottingham's explanation of his own principles, when the new settlement took place, he could very consistently obey that king whom the nation had elected; and he had in fact served him ably, zealously, and faithfully: and the vote could have no propriety, except the earl had in any point swerved from the allegiance he had solemnly sworn, which might be affirmed of various of his adversaries with a much nearer approach to truth than of him. The house passed another vote, probably as little acceptable to the earl, for an address to the king, "that in future all orders for the management of the fleet should pass through the admiralty." Also, in a grand committee, the commons came to an unanimous

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Unavailing
attack on
the Earl of
Notting-
ham.

BOOK II.
1692.

Admiral
Russel dis-
missed.

Affairs of
the East-
India Com-
pany.

vote, "that there had been an apparent miscarriage in the management of affairs relating to the descent the last summer." Yet on the ultimate criminatory resolution, "that one cause of the said miscarriage was the want of giving timely and necessary orders by such persons to whom the management of this matter was committed," the friends of the earl of Nottingham so vigorously exerted themselves, that it was carried by a single vote only, viz. 165 to 164—so that this deep-laid project of the whigs for the disgrace and removal of the earl of Nottingham proved abortive. The king, who well knew that the failure of the plan of descent was ascribable to far other causes than the negligence or incapacity of the secretary of state, took a decided part in favour of the minister, and dismissed admiral Russel from the service.

In this session the affairs of the East-India company were resumed, and a bill ordered in for regulating, preserving, and establishing the East-India trade to this kingdom—which was in fact a bill for establishing a new company under new regulations. But the progress of the bill through the house was much impeded by the interests of the old proprietors, and the whole business terminated in an address to the king, "that he would be pleased to dissolve the company upon three years' warning, according to the condition

of their charter ;" to which the king replied in ambiguous terms, declaring his intention, with a view to the good of the kingdom, to take this address into consideration. BOOK II
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A bill of a very popular nature was at this period brought into parliament by the whigs, whose opposition to the ministry became now very powerful, " for free and impartial proceedings in parliament," rendering all members of the house of commons incapable of places of trust or profit. This bill, the first of a long series of place-bills which met with the same fate, passed the house of commons without difficulty, and was, after vehement debate, rejected by the lords. The earl of Mulgrave exhausted his eloquence in a celebrated speech in support of the bill ; concluding with the observation, " that, whatever success the bill might have, there must needs come some good effect of it : for, if it passes," said his lordship, " it will give us security ; if it be obstructed, it will give us warning."

A bill of still greater importance was soon afterwards introduced by the earl of Shrewsbury, " for the frequent calling and meeting of parliaments." By this bill it was enacted, that a session of parliament should be held every year, and a new parliament summoned every third year. It was therefore known by the appellation of the Triennial Bill. This bill passed the

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Royal Assent refused to the Triennial Bill.

lords by a great majority, and, contrary to the general expectation, was well received by the commons, notwithstanding the opposition of the courtiers; for the whigs and the tories were now running a race for popularity. But the bill was extremely unacceptable to the king, who regarded it as a dangerous novelty, and a serious invasion of his prerogative. When he came to the house, therefore, to pass the bills which were ready, after suffering that in question to lie long on the table, and exciting the eager curiosity and anxious expectation of the by-standers, he at length refused the royal assent.

Pastoral letter of the Bishop of Sarum burnt.

Complaint having been made to the house of commons of a pamphlet written by Charles Blount, esq. entitled "King William and Queen Mary Conquerors," it was ordered to be burnt by the common hangman, together with a pastoral letter of Burnet bishop of Sarum, containing the same dangerous and unconstitutional assertion. A similar doctrine had been inculcated by Lloyd bishop of Worcester, in a sermon preached before their majesties November the 5th, 1690, and afterwards licensed by authority, on the text, "For promotion cometh neither from the east nor from the west, nor from the north nor from the south; but God is the judge, he putteth down one and setteth up another." This was mentioned in the house with great disapproba-

tion, but out of respect to majesty no vote passed relative to it.

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A very great proportion of the present session was occupied in the investigation of the affairs of Ireland, where gross and flagrant abuses were said to have been committed under the administration of lord Coningsby and sir Charles Porter, lords justices of that kingdom, previous to the appointment of lord Sydney as lord lieutenant. Various witnesses were examined at the bar of the house; particularly Mr. Slone and sir Francis Brewster, both members of the Irish parliament, who gave a long and interesting detail of the heavy oppressions under which the Irish nation labored. In the sequel, the house presented an address to the king, stating both the real and imaginary grievances of that country in strong language. Under the former head may be ranked the miseries of free-quarters, and the licentiousness of the army, the with-holding the soldiers' pay, and the embezzlements practised, and frauds committed, respecting the forfeited estates:—under the latter, the protections granted to papists, the reversal of outlawries, and the indulgence extended to catholics by the capitulation of Limerick. The king, in reply, engaged to remedy whatever was found to be amiss respecting these matters.

The complaints of the Irish had by no means

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ceased in consequence of the appointment of the present governor, who had given much disgust to the Irish parliament by his haughtiness, "There never was," as Mr. Slone declared, "an house of commons of that kingdom of greater property or better principles than those which met under lord Sydney's administration: nor could any men be more gratefully sensible of the kindness which in their distress they had received from the English nation, or more cordially disposed to make such returns to the crown as became them. After parliaments had been discontinued for about twenty-seven years, with an exception to that held by king James, nothing could be more welcome than such a meeting. The civil and military lists having been laid before them, Mr. Pulteney, secretary to the lord lieutenant, demanded a fund for the raising 70,000*l.* per annum, to make the income of the government answerable to its expences. Though the country was so exhausted with the late war as to be rather in a condition to demand abatements than to grant fresh contributions, such was their zeal, that they adopted the secretary's motion, and resolved to make provision accordingly. Ways and means came next under consideration; but such was the impatience of the court, that two bills were sent down to them ready drawn from the council board, which they were required to pass

without any farther ceremony. One of these BOOK II.
was an impost of excise upon beer, ale, and
other liquors; and the other laid a tax of fifteen-
pence per acre on all corn throughout the king-
dom. The first of these was not objected to as
to the matter, but the second was universally re-
probated. Then, as to the manner of introducing
these bills, though by Poyning's law no bill was
to be passed in Ireland, till it had first received the
sanction of the English privy council, it was never
pretended that the commons of Ireland were by
that act foreclosed from taxing themselves in their
own way. Not to give colour, however, to misre-
presentation, they suffered the excise bill to lie
before them, and prepared a poll bill to make up
the deficiency thereof. But the courtiers refused
to give ear to any such temperament. They
said publicly, "That if their money bills were not
passed in their own way, the army should continue
at free quarter." At this period there were various
national bills depending in the house, viz. a ha-
beas-corpus bill, a bill for restraining the juris-
diction of the council board; a bill to prevent the
buying and selling of offices, &c. which were in-
tended to accompany the tax bills. But the ne-
cessity of an immediate supply was so earnestly
pressed, that the house consented to pass the ex-
cise bill, with proviso that it should never be
drawn into precedent. At the same time they

BOOK II rejected the corn bill, for the express reason that
1692. it did not take its rise among the commons. All the courtiers joined in this compromise; and the house had every reason to believe that his excellency the lord lieutenant was perfectly satisfied with it. On the 2d of November he sent for the committee to wait on him in council upon the 4th, with the heads of their new laws—yet, no sooner was he in possession of the new excise, *i. e.* on the 3d, than he reprimanded them severely for entrenching on his majesty's prerogative and the rights of the crown of England by their votes and rejection of the corn bill, and entered his protest in the lords' journal against those votes—after which he prorogued them to the 16th of April. "This behaviour of the lord lieutenant," Slone said, "had opened the eyes of the members, and they resolved to send over agents of their own to England, to guard against his devices, by laying a plain and true state of their whole conduct before their majesties. In order, however, that their conduct might be in all respects unexceptionable, they determined to ask the consent of the lord lieutenant. The answer they received was, 'that they could not have a better agent than the king himself—but if they would have leave for any to go over and beg the king's pardon for their riotous and disorderly meetings, they might have it.' Nor was this all: an order was

issued to prosecute them upon an information in the King's Bench, but stopped on better advice, the gentlemen being resolved to defend what they had done. Lastly, to shew how reasonably the petition to send agents to court was founded, it was farther alledged by Slone, that the papists were in actual possession of that liberty which, if extended to protestants, would have prevented the necessity of rendering the Irish house of commons obnoxious by the rejection of so many bad bills with fair titles, viz. the bill for confirming the act of settlement, so worded as to make the remedy worse than the disease—another, to reverse the proceedings under king James's act of attainder, which had a clause no one dared to accept—a third, for punishing mutiny and desertion, but without any clause for regulating quarters, for a stated term of three years, and from thence to the next session of parliament, which it was in the power of the crown to postpone for twenty-seven years longer—and a fourth, for a new establishment of the militia, which required some counties to raise more men than the protestant inhabitants in them amounted to; and imposed such arbitrary methods of raising the money for their support upon all, under such severe penalties, that the house, though desirous to render the militia useful, rejected it as a burden too grievous to be borne." This is a brief sum-

BOOK II. mary of Slone's famous evidence, and it affords a
 1692. wide scope for deep and serious reflection. The king finding that lord Sydney had made himself extremely obnoxious to the Irish nation, had the good sense immediately to recall him, though he still retained the high place he had always held in the king's personal favor. The government of the kingdom was again committed to lords justices, who were lord Capel, sir Cyril Wyche, and Mr. Duncombe.

1693. The session of parliament in England terminated on the 14th of March 1693; the king informing the two houses in his speech, that the posture of affairs necessarily required his absence abroad. The tories still retained their ascendancy at court; and the earl of Nottingham was considered as the minister who possessed the chief credit with the king. Nevertheless it was the policy of William in a certain degree to balance the two parties; the whigs had at no time, therefore, been totally excluded from the great executive offices of government; and the genius of the king himself pervading the whole tenor of the administration, the general spirit of it was mild, sagacious, and beneficent. With the public it was evident that the earl of Nottingham's reputation was on the wane; though the accusations laid to his charge appear to have been false or futile. It was impossible but that some miscarriages should have

taken place, in a ministry now of several years duration. The language of opposition is almost always popular; the conduct of a minister is often necessarily unpopular. The victory of Russel had fascinated the nation, and his prejudices and animosities were adopted by the multitude with little knowledge or discrimination. The king, perceiving the necessity of farther conciliating the whig party, at this period gave the seals, vacated by Lord Sydney, to sir John Trenchard, who had been engaged in Monmouth's rebellion, and afterwards lived some years on the continent. He was a man of much calm resolution, strongly attached to the principles of liberty, and well acquainted with foreign affairs. On the same day sir John Somers, attorney general, was declared lord keeper of the great seal, which had been now several years in commission. No appointment could be more popular, or more judicious. Somers was a man of strict integrity, of great capacity for business, of the mildest and most engaging manners, of the most generous and liberal principles. Not satisfied with the reputation of being the first lawyer and statesman of the age, he was also an exquisite judge and most munificent patron of literary merit. In a word, in him were united, in a very uncommon degree, all the virtues and accomplishments which can make a character either great or amiable; and history

BOOK II.
1692.

Sir John
Somers
made Lord
Keeper of
the Great
Seal.

BOOK II. is proud to exhibit him as one of those exalted
 1693. personages who occasionally appear to adorn and to enlighten a world too often ignorant or insensible of their merits. The department of the admiralty was now placed in the hands of sir Cloudesley Shovel, an officer distinguished by his professional and personal merit, assisted by the admirals Killegrew and Delaval.

King embarks for Holland.

The KING embarked for Holland March the 31st, 1693, and immediately repaired to the army in Flanders, where the French had assembled a force far superior to the confederates. The king of France having joined his army in person, it was concluded that some grand design was in contemplation either upon Maestricht, Brussels, or Liege. But the king of England having with great diligence possessed himself of the strong position of Parke near Louvaine, the measures of the enemy were broken; and Louis, after detaching a body of 20,000 men to the Upper Rhine, left the care of the army to the *maréchals* Luxemburg and Boufflers, and returned in some disappointment to Versailles. The duke of Luxemburg now removed his camp to Meldert, within half a league of the allies—and an engagement was hourly expected; but neither side found a favorable opportunity of attack. The duke of Wirtemberg, however, with a detachment of thirty-three battalions and squadrons, forced the French lines between the Scheld and the Lys.

and laid the whole country as far as Lisle under contribution. On the same day (July the 18th) BOOK II.
1693. on which the enemy's lines were forced, maréchal Luxemburg quitted the camp of Meldert, and moved towards Huy, which was next day invested by maréchal Villeroi : and, after a feeble defence capitulated on the 23d. The French general then marched forward to Liege ; but, the allies had taken the precaution of throwing ten battalions into the place. Maréchal Luxemburg nevertheless made such dispositions as seemed to threaten an approaching siege : but, on a sudden, early in the morning of the 28th, he quitted his post at Hellicheim, seven leagues distant from the camp of the confederates, and, marching in four columns, passed the Jaar, and before the close of day reached the village of Roucoux. The king of England, on discovering the van-guard of the enemy, resolved to wait the attack ; as an attempt to retreat would have left his rear exposed, and the chief towns of the province of Brabant uncovered.

The duke of Wirtemberg, not having yet re- Battle of
Landen. joined the army, maréchal Luxemburg was superior, as it is said, by 30,000 men to the allies. But the king depended on the strength of his position. The right of the confederate army extended to the banks of the Geete, the front being covered with hedges and hollow ways, stretching to the village of Neer-Winden in the centre. The

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1693.

left reached Neer-Landen, on the rivulet of that name : and the two villages were joined by an entrenchment, the approaches being covered with above 100 pieces of cannon. But the experienced and vigilant eye of Luxemburg discovered a great defect in this disposition. From the vicinity of a morass bordering on the Geete, at the back of the camp, and the nature of the ground in front, he saw that great part of the allied cavalry would be unable to act with effect. And on reconnoitring the ground previous to the engagement, he exclaimed, " Now I believe that Waldeck is really dead !"—that general having been famous for his skill in encampment. The French began the battle at sun-rise, by a furious attack on the villages of Neer-Winden and Landen ; for the entrenched front was unapproachable, while they were exposed to the fire of the two villages in flank. After a desperate conflict, the enemy made themselves masters of these important posts. M. de Luxemburg then ordered a general charge upon the whole line, which was carried into execution with an impetuosity that surmounted all resistance. The king of England, who was seen by turns in every post of danger, behaved with the most heroic courage, bringing up in person the English cavalry to the succour of the Dutch and Hanoverian horse, and charging twice at the head of the battalions at the entrenchment. The elector of Bavaria, after mak-

ing every possible effort, retreated over the bridge thrown across the Geete, and rallied the fugitives. The king, seeing the battle lost, yet remained in the field, to give the necessary orders for the safety of the troops, displaying in the opinion of all, no less conduct than valour. "I saw," said the prince of Conti in an intercepted letter to his princess, "the king of England exposing himself to the greatest dangers. Surely so much valour well deserves the peaceable possession of the crown he wears." The duke of Berwick being taken prisoner in the heat of the battle, was carried to the king by general Churchill. "The first thing which," as that nobleman afterwards declared, "struck him, who had never seen the person of the prince of Orange before, was his eye like that of an eagle." He took off his hat without speaking to the duke, and continued giving his orders with a calmness which shewed the most perfect negligence of danger. The French commander himself joined in the general applause; and when the king of France read the accounts transmitted to him of this battle, he declared, "that Luxemburg had attacked like Condé, and that the prince of Orange had retreated like Turenne."—"Whatever reason," says *maréchal Berwick*, "I may have not to be fond of the memory of this prince, I cannot deny him the character of a great man, and even of a great king, had he not been an usurper."—*Memoirs of M. BERWICK.*

BOOK I.

1693.

commanded the imperial army, astonished and shocked at these atrocities, sent a message to *maréchal de Lorges*, "that he was come from a war against the Turks, and that he expected Christian enemies would have treated each other with Christian usage; but that he found the French acted more like barbarians than their Turkish allies—He should therefore in future make such reprisals as would teach them, from concern to themselves, to shew compassion to others."

The Most Christian king was no sooner apprised of the infamous success of his arms at Heidelberg, than he sent his royal mandate to the archbishop of Paris to celebrate this joyful event by a *Te Deum*. "I ordered," said he, "my cousin the *maréchal duc de Lorges* to make himself master of Heidelberg; and he has executed my orders. This conquest, which begins the campaign so gloriously, affords me time, a freer entrance into the heart of the empire, and an almost certain presage of farther success*." But though M. de Lorges continued his march to Hailbron, and made several attempts to pass the Necker in order to attack the prince of Baden,

* On this occasion a medal was struck by order of the French monarch representing the city of Heidelberg in flames, with the impious inscription "*Rex dixit et factum est.*" Who that hears or reads of these scenes of barbarity and devastation can wonder that Louis XIV. should be the object of horror to his contemporaries.

he was invariably repulsed, and at length obliged to retreat, by way of Philipsburg, back to France.

BOOK II.
1695.

In Catalonia, the Spaniards suffered the loss of the important town of Roses, almost without resistance. In Piedmont the French had, as in all other parts during this summer, greatly the advantage. The campaign opened on the part of the allies with the siege of Pignerol; in which the duke of Savoy had made some progress when he understood that *maréchal de Catinat* had descended into the plains, and menaced the city of Turin. Alarmed at the danger of his capital, the duke immediately drew off his army from Pignerol, and marched in quest of the enemy, whom he found encamped in the vicinity of Masiglia. The left of the confederate army, composed of Spanish troops and imperial cavalry, was commanded by the *marquis de Leganez*; the right, of imperial and Piedmontese cavalry and infantry intermixed, by the duke himself, assisted by the *Count de Caprara*; and the centre, which consisted of imperial, British, and Piedmontese infantry, by prince Eugene of Savoy and the *count de Las Torres*. The duke of Schomberg, who had been denied his just rank; fought in the capacity of colonel only, at the head of his own regiment. Early in the morning of the 4th of October (1693), the enemy advanced to the attack with undaunted resolution, charging with fixed bayonets at the end of their fuses, with-

Battle of
Masiglia.

BOOK II. out firing a shot—at that time a very unusual
1693. mode of fighting. The confederate troops defended themselves with equal spirit; till, the left wing at length giving way, the infantry in centre were attacked in rear and flank by the enemy's horse. Here the battle raged more desperately than ever; and the British troops had an opportunity particularly to signalize themselves. After the third attack the count de Las Torres condescended to solicit the duke of Schomberg to take upon him the command, and secure the retreat of the centre and right wing: but that able officer, instead of a magnanimous compliance, coldly replied, "that it was necessary first to have his royal highness's order; in the mean time they had no option but to conquer or die." After exhibiting prodigies of valour, the duke received a mortal wound; and the confederates were finally compelled to abandon the field of battle, covered with heaps of slain, to the enemy, with almost all their artillery, and above 100 standards. But the French army was so weakened by this victory as to be incapable of attempting any farther offensive operation.

The war in Hungary was still carried on to the disadvantage of the Turks, who this year lost the fortresses of Jeno and Villaguswar. But the imperialists, under the duc de Croy, were repulsed in an attempt on the city of Belgrade.

After the prodigious loss sustained by the

French at the battle of La Hogue the preceding year, their naval exertions during the present summer were truly astonishing. So early as the month of May, while the British ships were still in harbour, the different squadrons, having joined, formed a grand fleet of no less than seventy-one men of war of the line. In the beginning of June the English and Dutch ships sailed down the channel. On the 6th sir George Rooke was detached to the straits with a squadron of twenty-three ships, as convoy to the Mediterranean and Smyrna trade—the whole fleet accompanying him fifty leagues to the south-westward of Ushant, for greater security to the merchant ships, amounting to near four hundred in number. Unsuspicious of danger, Rooke proceeded on his voyage; and on the 17th descried to his astonishment the whole French fleet cruising about sixty leagues off Cape St. Vincent. In this emergency there was no alternative than to make signal for the merchantmen to shift for themselves—the convoy maintaining as well as they were able a running fight for their protection. In the result, two men of war, one English and one Dutch, were burnt, and two Dutch ships after a desperate resistance taken by the enemy, who also captured about forty of the merchantmen, several of them Smyrna ships richly laden, and destroyed about fifty more. The greater part saved themselves in Faro, St. Lucar or Cadiz. Sir George Rooke bore away

BOOK II.

1693.

Smyrna
Fleet captured.

BOOK II. for the Madeiras, whence he arrived at Cork in
1693. August. The French admiral, M. de Tourville, after insulting the coasts of Spain, and burning several English and Dutch vessels at Malaga, Alicant, and other places, returned in triumph to Toulon. The greatest clamors were not without some appearances of reason excited in England by this misfortune. The whigs and anti-courtiers renewed their attacks on the earl of Nottingham, through whose criminal negligence, if not more criminal treachery, it was affirmed this unparalleled calamity had happened. The admirals Killigrew and Delaval, both strongly attached to the tory, not to say the Jacobite, party, also fell, and with far more reason, under great and grievous suspicion. No attempt was made to retrieve the honor of the British flag, except by an attack on St. Maloes, a noted rendezvous of privateers, by a squadron under commodore Benbow, who cannonaded and bombarded the town, to the great consternation of the inhabitants, for three days successively.

Still more dreadful than the calamities occasioned by the conflict now raging in Europe were those caused by the war of nature and the commotion of the elements. At the commencement of the year, Malta and Sicily were visited by a succession of earthquakes; particularly on the 9th January (1693), when they were alarmed with a tremendous nocturnal shock, which they hoped

would have been the last. But this only proved **BOOK II.**
 a prelude to another, and far worse, which took 1693.
 place on the 11th, at three in the afternoon; and Dreadful
 which in Malta shook every building to its foun- Earth-
 dation, ruined some, and damaged many. But quake at
 its chief violence was reserved for Sicily, where the Malta and
 effects produced were so terrific as to excite the Sicily.
 idea, and almost the apprehension, that the globe
 itself was about to dissolve, and return to its pri-
 mæval atoms. Etna seemed to be heaved from
 its basis. The air, obscured by sudden darkness,
 was præternaturally illuminated by an uninter-
 mitted blaze of lightnings, accompanied by the
 rolling of perpetual thunders. The crash of falling
 edifices in every direction, the frightful chasms
 disclosing themselves to view, the mountainous
 billows rushing with impetuous fury from the sea,
 and threatening to overwhelm the earth, completed
 the horror of the scene. Between thirty and forty
 towns and cities, with a vast extent of country,
 were involved in this amazing calamity; and of
 these the far greater part were wholly swallowed
 up. More than 70,000 persons are said to have
 perished; and 18,000 in Catanea alone, which
 sunk down at once with as much noise as if the
 fabric of the earth had rent asunder.

In the spring of the present year 1693, a session **Affairs of**
 of parliament was held in Scotland, of which it is **Scotland.**
 necessary to give some account, as well as of the
 general state of affairs in that kingdom for some

BOOK II.

cede to the three estates of nobles, knights or barons, and burgesses, the choice of eleven delegates each, to be chosen monthly or oftener if they thought fit; and a clause was added to enable the parliament not only to take any matters into consideration which had been rejected in the committee of articles agreeably to the original instructions, but primarily to move and regulate the same. But the patriots in parliament declared that, if the institution remained, the grievance would remain with it; and they would hearken to no modification of so detestable and unconstitutional an appointment. This committee was of obscure and remote origin, and was apparently intended merely to prepare and facilitate the business of parliament without assuming any species of separate or independent power. But they soon shewed a disposition to innovate on the rights of parliaments, and almost every reign added something to their encroachments, till Charles I. in the parliament held A. D. 1633, when he was in the height of his greatness, divested by his own royal and sovereign power the respective estates of the privilege of choosing their respective commissioners, and virtually consigned the whole appointment over to eight bishops, nominated by himself or the lord high commissioner, who were to choose eight noblemen, and the sixteen were then to nominate

eight barons and eight burgesses ; and these thirty-two persons, in conjunction with the officers of state as supernumeraries, should be the whole and sole lords of articles, exclusive of all others. And to them was committed the right and liberty of bringing in motions, of making overtures for redressing wrongs, and of proposing means and expedients either for the relief or the safety and benefit of the subject. Neither was it lawful for any member or number of members not of the committee to make the least proposal or motion either for the repealing of an ill law, or for the enacting of a good one*.

Such was the nature of the institution, which the wisdom and virtue of the Scottish patriots aimed not merely to meliorate or modify, but for ever to annul and abrogate. The parliament being now, in consequence of the disappointment they had sustained, in a very discontented mood, a bill was introduced to incapacitate " all persons of whatever rank or degree from occupying any public trust or employment who in the former evil government had been grievous to the nation, by acting in the encroachments which in the claim of rights were declared to be contrary to law, or had shewed disaffection to the late

* Vide the masterly tract entitled " Proceedings of the Scottish Parliament vindicated," &c.

BOOK II. happy change, &c." To this the lord commissioner refused, not without good reason, the royal assent; it being evidently the effort of a faction to avenge themselves upon their enemy, and to engross the whole power of the government.

On the king's accession to the crown of Scotland, he had filled up the vacancies in the judicial department as in England, where no opposition to so obvious and necessary an exercise of the prerogative was thought of. But it was suggested by the disaffected and discontented in the parliament of Scotland, that by a vacancy in the throne all commissions were vacated; that, though the king by his prerogative had a right to fill such partial and occasional vacancies as might occur in the usual course of things, a general nomination could only be made by the authority and concurrence of parliament: and a bill was ordered in for that purpose. But this the king considered as an high affront; and positive orders were given to the commissioner to reject it. Another bill was introduced for repealing the act of supremacy, passed in 1669 under the ministry of Lauderdale, which carried the authority of the king in matters ecclesiastical so high, that it seemed within the limits of his prerogative to establish any religion that he saw fit in Scotland. This was specified, and justly, in the instrument of government, as a fundamental grievance; and the king

in his instructions had authorized the lord commissioner to assent to its repeal: but the assent was nevertheless refused. An act, however, passed early in the session for the abolition of episcopacy, and, as the act expresses it, "the pre-eminence of any orders in the church above that of presbyter;" and it vaguely and generally declared "that the king and queen's majesties, with the advice and consent of parliament, would settle by law that church in the kingdom which was most agreeable to the inclinations of the people:" and by a subsequent proclamation, "all such ministers as were in possession of the ministry upon the 13th day of April were allowed to continue there undisturbed." This change in the constitution of the church of Scotland gave much offence to the bigotted English episcopalians, who made no allowance for the motives of policy by which the king was in present circumstances necessarily guided. The conduct of the Scottish bishops had made episcopacy odious to the nation. The king himself expressed his surprise what could be become of the episcopal party in Scotland—no person of consequence even naming episcopacy to him*. The pertinacity and ill-humor of parliament seemed to encrease as the session drew into length. They passed a resolution that it was illegal for the judges nominated by the king to continue in the exercise of their functions

* OLDFIXON, vol. ii. p. 28.

BOOK II.

and forbade them to open their commission. The judges were on the contrary required and compelled to act by the authority of the privy council; and such was the ferment, that it was thought necessary to order a number of troops into the neighbourhood of Edinburgh in order to preserve the public peace.

In the midst of this confusion, his grace the lord commissioner adjourned the parliament to the 8th of October following: but such a flame did the refusal of the court to accede to the measures of the patriots excite, that, immediately subsequent to the adjournment, a remonstrance was framed by a majority of the members in strong and energetic language, representing to his majesty the evil consequences which must ensue from a refusal "so contrary to his majesty's acceptance of the claim of right, and to his declaration promising the redress of grievances." The king, sensibly touched with these reproaches, caused his instructions to his commissioner to be published, by which it appeared that his grace was authorized to have made greater concessions than he chose to do respecting the points in question; and it was to be inferred that the king, who had little knowledge of Scottish affairs, was not well pleased with the conduct of those on whom he had placed his reliance. The ambition of some, and the disgust of others, who conceived that the king had

violated his engagements, induced them to enter into dangerous cabals and intrigues with the high episcopal and Jacobite party, for the restoration of the abdicated monarch, who in his present situation was supposed willing to concede whatever might be demanded. At the head of these mal-content whigs was sir James Montgomery, who, being disappointed in his views of obtaining the secretaryship of state, with the chief management of affairs, became the most virulent opposer of the government. Cherishing the same chimerical projects with the discontented whigs in England, he formed a close connection with the earl of Monmouth, the duke of Bolton, and other men of the same stamp—and they were so far actuated by the spirit of faction and folly, as to imagine that the national happiness and safety could be permanently established only by a counter-revolution—that king James, convinced of his errors, would detach himself entirely from the French interest; and that, if his restoration were effected by the whigs, he would entrust himself and his interests wholly into their hands. The particulars of this conspiracy were disclosed by the brother of Montgomery to bishop Burnet. He affirmed that a treaty was settled with king James, articles agreed on, and an invitation subscribed by the whole cabal.

BOOK II.

Conspiracy
of the
Scottish
Whigs
headed by
Sir James
Montgo-
mery.

During the recess of parliament, endeavours

BOOK II.

were used by the court to soften the rage of opposition by an artful distribution of places—almost every considerable office of government being put into commission, in order to provide for as great a number as possible. The great seal was committed to the custody of the duke of Hamilton, the earl of Argyle, and the earl of Sutherland: the privy seal to the earl of Forfar, the earl of Kintore, and the lord Carmichael; the treasury was divided among the earl of Crawford, the earl of Cassilis, and the earl of Tweeddale, the lord Ruthven, and the master of Melville; and the clerk register's office between the lord Belhaven and four other persons.

Earl of
Melville
appointed
Lord High
Commissioner.

As the supplies granted by parliament had been for obvious reasons very scanty, it was absolutely necessary either to disband the army or speedily to convene another meeting. As the least of these evils, a session was held in the following spring, April 1690—the earl of Melville being appointed lord high commissioner. Such was the strength of the different parties united in opposition, that, on the first division on a trivial question respecting a contested election, the majority in favor of the court was not more than six or seven voices. Even this majority would have been lost, if all the Jacobites who were returned had taken their seats in parliament, and, of course, the oath of allegiance; agreeably to the secret wishes

and instructions of the court of St. Germaine's, and to the earnest entreaties of those who had the most zeal and the least conscience of the party; among whom mention is particularly made of Paterson, the deprived archbishop of Glasgow.

Although the violent whigs and the violent Tories were equally eager to obstruct the measures of government, their views and designs were so irreconcilable, that no cordial coalescence could long subsist. There were in fact three distinct parties in opposition—the Jacobites, headed by the dukes of Athol and Queensberry, the lords Annandale, Breadalbane, Balcarras, &c.—the *disaffected* whigs, led by sir James Montgomery, colleagued with the lords Argyle, Ross, &c.—and the discontented revolutionists, at the head of whom was the duke of Hamilton; who thinking his merits not sufficiently rewarded, and aiming at the chief direction of affairs, had no farther design than the ruin of the lords Melville and Stair. The court saw the necessity, in order to dissolve this connection, of making those concessions which had been formerly refused. The lord commissioner now therefore gave the royal assent to the bill for rescinding the act of supremacy; to another for the direct establishment of presbytery and annihilating the right of patronage; and to a third for the abolition of the lords of articles.

BOOK II.

Popular
Concessions
on the Part
of Govern-
ment.

BOOK II.

Duplicity
of Mont-
gomery.

By these decisive measures, those members who were actuated by public and patriotic motives, and whose discontent had never risen to disaffection, were at once conciliated, a clear majority ascertained, and the bills of supply voted without difficulty. It is remarkable, that sir James Montgomery, imagining the court would not dare to assent to the unreserved establishment of presbytery in Scotland, from the jealousies it was calculated to excite in England, made a vehement and inflammatory speech in parliament, declaring "that he knew there were instructions for settling religion, and he thought it a shame it was not done; but some, to flatter the court, against their own principles had delayed it. He knew likewise some were for one kind of government, some for another; some were for a certain kind of presbytery called Erastianism, like that of Holland: but he told them there could not and ought not to be any other established in Scotland than the presbyterian model of 1648, which was the government most conformable to the word of God, and best able to control the extravagant power of kings, under which they had groaned so many years."—"This speech," says lord Balcarras in his ACCOUNT of the affairs of SCOTLAND, "to us that knew his secrets, seemed a little extraordinary: but he excused himself by being *obliged* to do so, otherwise he should all lose credit with his

party; and that it signified nothing, since he knew that lord Melville never durst pass it, though it came to be approved." The projects of the parties were now entirely disconcerted, and mutual reproaches succeeded. "To all your friends," said lord Balcarras in the celebrated tract now quoted, and addressed by him to the abdicated monarch, "it was very evident how great an advantage might be had by joining with the violent party; for by that we thought ourselves sure of breaking their army, which consisted of about 10,000 men, and which must immediately be disbanded when they saw the parliament establish no fund, neither for paying their arrears nor subsistence: and all having gone in confusion, and your majesty being then in Ireland, and the highlanders in a better disposition to rise, it were easy to make a good use of their disorders. Sir James, in the first meeting we had with him, laid out the great advantages your interest would obtain if this succeeded; the strength of his party, and all the influence he had over them. He told us likewise of their sending a messenger to your majesty, with assurances of their returning to their duty; but said nothing of the instructions, commissions, and pernicious advices he had sent along with them, believing undoubtedly it would have hindered us from joining with them. For by this we should have clearly seen it was only trying to make a

BOOK II.

better bargain for themselves that made them change parties, and not out of any sentiments of conviction for having done amiss."

A direct rupture however did not take place between these jealous and distrustful friends, till the arrival of a messenger from the late king with a great black box of papers, directed to sir James Montgomery. This sir James first opened alone, and afterwards disclosed to the lords Argyle, Arran, and Ross, who agreed that various of the papers were improper to be seen by the other party. Sir James Montgomery therefore again closed and sealed the box, and appointed a meeting at the apartments of the marquis of Athol, at which the marquis himself, and the lords Linlithgow, Ross, Breadalbane, and Balcarras, attended. At this meeting, sir James informed the persons present that a box of papers had arrived, which he had determined not to open but in their presence: protesting, as lord Balcarras in his narrative of this transaction affirms, in the presence of Almighty God, that he was entirely ignorant of the contents. But the lords present, strongly suspecting the integrity of Montgomery examined the box and seals with the greatest attention, and plainly perceived not only that the cord was changed, but that the seals themselves wore, by a strange inadvertency, Montgomery's own impression. A scene of the utmost confusion

Artifices of
Montgo-
mery de-
tect.d.

now ensued, not merely from the detection of so infamous a collusion, but from the actual inspection of the papers; by which, notwithstanding the withdrawment of those deemed most obnoxious, it appeared that the king had consented to put the whole power of the government into the hands of the presbyterians. "They," says lord Balcarras, "were in no less confusion than we; finding we saw their folly in undertaking things they had not the least shadow of power to perform. They had promised to get all the parliament to declare for your majesty, and immediately meet in your name; and the earl of Argyle commissioner, who was made a marquis, and sir James made earl of A——r, and Ross likewise an earl; and all employments of church and state, and army, entirely put into their hands and those of their friends, who were generally the greatest enemies to monarchy. There were likewise great bundles of letters not directed, but left to their direction, to be given to any of your friends they thought fit to trust; which indeed we thought a little hard to be put into their hands, who had been for fighting your majesty, and also endeavouring to ruin us on your account."

All confidence being now for ever lost, the only question at issue between the parties seemed to be, which should first impeach the other. The lord Ross, after protesting with

BOOK II. oaths, as lord Balcarras informs us, that he never would make any discovery, communicated to a fanatic minister at Edinburgh that he was under great trouble of conscience, and desired his prayers to enable him to open his heart to him. After long prayers and many sighs and tears, he told him all he knew. The minister repeated next morning to lord Melville the result of this conference, and desired a passport to London for lord Ross; who before his departure informed Melville in general terms that there were dangerous matters in agitation against the king and government, in which he had too great a share, and for which he sought God's pardon, but was denied, and was now going to seek it from the queen. On his arrival in London and examination before the lords Nottingham and Danby, being thought to prevaricate in his evidence, he was committed close prisoner to the Tower. The earls of Argyle, Annandale, and Breadalbane, withdrawing also under different pretences to England, Montgomery himself repaired to the earl of Melville, and made a full discovery of the whole conspiracy. The good-nature and credulity of Melville, mistaking consternation for contrition, furnished this man also with a passport to London, and a letter to the queen in his favor. But, on his subsequent examinations, having, from a sense of honor not to be expected from a man who had acted a part so treacherous, per-

Particulars
of the Scot-
tish Con-
spiracy dis-
closed.

sisted in his refusal to reveal the names of those with whom he carried on a correspondence in England, he failed in obtaining his pardon. After absconding and lying concealed some months in London, he made his escape to the continent, where his plotting genius involved him in new dangers and difficulties, till at length spleen and vexation put an end prematurely to a turbulent and miserable life ; and he may be regarded as one of the many striking examples which history exhibits, how great is the curse of possessing splendid talents, when unaccompanied by judgment, and disgraced by moral depravity. BOOK II.

The earl of Annandale also threw himself upon the queen's mercy, and, as he had not personally treated with any in England, he could make no discoveries to their disadvantage. He gave however a deposition on oath against one Neville Payne, as the man who had been the chief medium of connection and correspondence between the English and Scottish malcontents. Being taken in Scotland, Payne was twice put to the torture, according to the barbarous custom of that country, without making any confession : and it does not appear that the extent of this conspiracy, which the government shewed much solicitude to fathom, was ever perfectly ascertained ; though, according to the accustomed lenity of this reign, free pardon was granted to many who acknowledged them-

BOOK II. selves concerned in it. Several of the Scottish lords were set at liberty, on giving their words of honor not to disturb the government : but lord Arran refused, saying, “ he was certain he should not keep it.” Upon the whole, the session of parliament, which opened with so dark an aspect, terminated very prosperously. During the sitting, also, it was announced that a body of highlanders to the number of about 2000, commanded by the colonels Buchan and Wachop, who had rendezvoused at Strathspey, with a view to a descent into the low country, were surprised and defeated with great slaughter by the king’s troops under sir Thomas Levingstone.—And this was the last military effort of any consequence made by the party of king James in Scotland.

Lenity of
the Go-
vernment.

The power of the church being now in the hands of the presbyterian clergy, the episcopalians suffered from the former sufferers a persecution as rigorous as the benign spirit of the new government would permit. For, though the history of the world exhibits no characters more illustrious than those of many individuals of the clerical order whose ardent and generous minds have as it were burst the bonds of their own intellectual thralldom, no truth is more certain, as a general axiom, than that priests of all religions are the same—all, collectively speaking, tainted with the spirit of holy malignity, of lordly pride, of barbarous dog-

matism, of relentless intolerance. All this is very consistent with the practice of many amiable and estimable virtues in social and domestic life. Such is the imbecility of human nature, and such the pernicious and fatal tendency of this aspiring and dangerous profession:—"having," as has been observed, "what Archimedes only wanted, another world on which to fix their engines, no wonder they move this world at their pleasure."

A general assembly as it is styled, or synod of the church of Scotland, having been convened in the autumn of the present year, 1690, the proceedings of the clergy were so disagreeable to the court, that the assembly was, little to their satisfaction, dissolved by an act of state, and another convoked for the following year. In the mean time the king determined in some measure to restore the balance of the parties, by bringing some of the tories and episcopalians into office. The earl of Melville, as the man most obnoxious, was removed from his post of secretary of state, and made lord privy seal. James Johnstone, late envoy to the elector of Brandenburg, and sir John Dalrymple, styled the master of Stair, were constituted joint secretaries; lord Tweeddale, created a marquis, a man of sense and moderation, was appointed chancellor; the earl of Lothian, high commissioner; and the earl of Crawford, president of the council. But this motley administration

BOOK II. did not conduct the affairs of government with much skill or success. The general assembly met at the close of the year 1691; and during the recess of parliament the two parties were eager to try their strength in this subordinate scene of action. The presbyterians since the late changes were grown extremely jealous of the court. They said their friends were disgraced, and their bitterest enemies were admitted into favor. The king recommended to the assembly, by the high commissioner, to receive the episcopal clergy into the church, and to concur in such measures as would be necessary to effect a general comprehension. "The prelatists now gave out," says bishop Burnet, "that the king was theirs; in answer to which the presbyterians affirmed that the law was theirs, and they would abate in no point of their government." Both parties being much inflamed, and no likelihood of accommodation remaining, the king ordered the assembly to be dissolved, without appointing any other time or place of meeting. But the presbyterian clergy, according to their high notions of church government, affirmed, that they had a *right* to an annual meeting, from which nothing could cut them off.—They pretended that the king's power of calling synods and assemblies was *cumulative*, and not *privative*—that is, he might call them if he would, and appoint time and place; but that, if he did not

convene them, they might meet by virtue of the right inherent in the church :—therefore they adjourned themselves, having first protested against the regal dissolution. This appeared to the king an high strain of insolence, and a gross invasion of the prerogative of the crown ; and there were ^{Book II.} not wanting those who were eager to embrace every opportunity of incensing him against the presbyterians. Thus the episcopal party acquired additional credit with the king : for in this respect the folly and fury of one faction operated in much the same manner as the actual exercise of wisdom and moderation in the other.

At this period a very unfortunate event took place, tending to throw a great odium upon the government of the king, already sufficiently unpopular. The earl of Breadalbane, one of those noblemen who had been concerned in the late plot and received his pardon, in order to conciliate the favor of the court, formed a scheme of quieting the highlanders, and ensuring their submission, by distributing large sums of money among their chiefs : and 15,000*l.* were remitted from England for this purpose. By the connivance of government he informed the highlanders, who were not unacquainted with his zeal in the same cause, that the best service they could do king James was to lie quiet, and to reserve themselves to a more favorable time ; and in the mean

Massacre
of Glencoe.

BOOK II. while they were justified in taking the oaths, and sharing the money he had received for the purpose among them. Many of the highland chieftains were persuaded by his arguments to a compliance; but others were obstinate, or made such extravagant demands, that lord Breadalbane found his scheme with regard to them impracticable. The most refractory of these rebel chieftains was M'Donald of Glencoe, between whom and Breadalbane a cause of private animosity subsisted, originating, as it is said, from an antient feud between the families. During the course of hostilities M'Donald had plundered the lands of Breadalbane; and this nobleman insisted upon being indemnified for his losses, from M'Donald's share of the money now to be distributed. This M'Donald not only absolutely refused, but was successfully assiduous in influencing others to reject the offers made to them. He also communicated to the duke of Hamilton and other enemies of lord Breadalbane the dangerous secret of this nobleman's being still avowedly attached to the interests of the dethroned monarch. Breadalbane, exasperated at this conduct, by an act, not of sudden passion, but of cool and deliberate revenge, devoted the chieftain and his clan to utter destruction. King William had by proclamation offered an indemnity to all the highlanders who had been in arms against him, provided they

would submit and take the oaths by a certain day. BOOK II.
The day had been twice or thrice prolonged; and it was at last carried to the close of the present year, with a positive denunciation of proceeding to military execution against such as should hold out beyond the end of December 1691. All were so terrified that they came in; and even M'Donald himself, no less intimidated, though somewhat more tardy than the rest, went to the governor of Fort William on the last of December, and offered to take the oaths: but he being only a military man could not legally tender them, and M'Donald set out immediately for Inverary, the county town of Argyle. Though the ground was covered with snow, and the weather intensely cold, he reached Inverary in a very few days, or, according to some accounts, within a single day, after the term prescribed by the proclamation had elapsed. Sir Colin Campbell, sheriff of the county, being informed of the circumstances of the case, administered the oaths to him and his adherents, and they returned in peace and full confidence of security to their own habitations in the valley of Glencoe. Before this happened the earl of Breadalbane had repaired to London, and made his report to the king of the diligence with which he had endeavoured to effect the service entrusted to him, and to return that part of the money which he had not disposed of. He em-

BOOK II. braced the opportunity of representing M'Donald to the king as the chief person who had defeated the good design—as an incorrigible rebel—as a ruffian inured to blood and rapine, who would never be obedient to the laws of his country, nor live peaceably under any sovereign. He observed that M'Donald had paid no regard to the royal proclamation; and, at once to gratify his own revenge, and, as there is great reason to believe, to make the king odious to the highland tribes, Breadalbane proposed that orders should be sent for a military execution on the men of Glencoe. This representation was strongly enforced, from causes which do not so distinctly appear, on the part of secretary Stair. It is indeed said, that the clan of Glencoe had distinguished itself by its cruelties in the late reigns on the conventickers; and it is known that Dalrymple was a fierce and bigoted presbyterian. Of the degree of malignity which possessed his mind some notion may be formed from the tenor of his dispatch to lord Breadalbane, dated at so early a period as December 3, 1691; in which he says, “ By the next I expect to hear either these people are come to hand, or else your scheme for *mauling* them—for it will not delay.—Menzie, Glengary, and all of them have written letters, and taken pains to make it believed that all you did was for the interest of king James—therefore look on, and you shall be satisfied of your RE-

VENGE." Shortly after the expiration of the term BOOK II.
to which the proclamation of grace was limited, a paper of instructions was drawn by the secretary, and addressed to colonel Levingstone, commander of the forces in Scotland, specifying, "that such as had not taken the oaths by the time limited should be excluded the benefit of indemnity—and that they be destroyed by fire and sword"—With this express mitigation nevertheless, in the 4th article, "that the rebels may not think themselves desperate, we allow you to give terms and quarters: but in this manner only; that chieftains and heritors, or leaders, be prisoners of war, their lives only safe, and all other things in mercy—and the community, taking the oaths of allegiance, &c. are to have quarters and indemnity for their lives and fortunes; and to be protected from the soldiers." By an extraordinary singularity shewing very artful contrivance, this instrument, dated January 11, 1692, was both signed and counter-signed by the king. This order, however, not being deemed sufficiently full and explicit, a paper of additional instructions was prepared by secretary Stair, who, with the same wary caution, procured it to be, as before super-signed and counter-signed by the king: in which, after giving directions for receiving the submission of those who had made application for mercy, it is in words most, fatally memorable said: "If the tribe of

BOOK II. Glencoe can well be separated from the rest, it will be a proper vindication of public justice to *extirpate* that sect of thieves." Bishop Burnet expressly affirms, "that the king signed this paper as his custom too often was, in a hurry, without examining into the import of it:" but, without laying any great stress upon this assertion, it may easily be conceived that the matter might be represented to him in such false colors as to persuade him of the necessity of one example of great severity, to ensure the permanent peace of the country.

Having thus obtained the king's warrant for what Breadalbane and the master of Stair appear to have pre-concerted and pre-determined, it was not long suffered to remain dormant. In a letter to the commander in chief, Levingstone, dated January the 11th, 1692, the secretary says: "Just now my lord Argyle tells me, that Glencoe hath not taken the oath; at which I REJOICE. It is a great work of charity to be exact in rooting out that *damnable sect*, the worst of the highlanders. The winter is the only season in which we are sure the highlanders cannot escape us." In his dispatch of the 16th of January 1692, accompanying the additional instructions, he writes, after some mention made of the royal mercy, "But, for a just example of vengeance, I entreat the thieving tribe of Glencoe be rooted out to

purpose." And in his letter to colonel Hill, governor of Fort William, January 30, he directs, "Pray when the thing concerning Glencoe is resolved, let it be secret and sudden. Better not meddle with them, than not to purpose." In another dispatch to Levingstone, he says: "I assure you, that your power shall be full enough; and I hope the soldiers will not trouble the government with prisoners." The execution of this bloody commission was committed to a captain Campbell of Glenlyon, who, at the head of a corps of soldiers, was sent in the month of February 1692 to take up their quarters in the valley, remaining as it appears, fifteen days—the commander professing the most amicable intentions, and he and his men being received with the rude but kind hospitality of the country. On the evening before the massacre, Campbell passed some hours in social converse and amusement at M'Donald's house: but, certain circumstances occasioning suspicion in the minds of the two sons of M'Donald, they went out to make discoveries, and, to their amazement, found eight or ten sentinels on the spot where only one used to be posted. The discourse amongst them was "that they liked not the work; though they would willingly have fought the men of the Glen, they held it base to murder them." Upon hasten-

BOOK II. ing back to apprise their father of the impending danger, they found the mansion already surrounded—heard the discharge of musquets, and the shrieks and clamors of those within; and, being unarmed, fled for their lives, and had the good fortune to effect their escape.

Rushing to his chamber, the assassins had shot through the head the elder M'Donald, who fell lifeless into the arms of his wife. The laird of Auchintrinken, M'Donald's guest, who had submitted to the government three months before, and had then colonel Hill's protection in his pocket, met the same fate. A boy of eight years of age was stabbed to the heart in the act of imploring mercy. In this manner thirty-eight persons were inhumanly butchered; most of them in their beds—helpless and unresisting. The order extended to all the males in the valley under the age of seventy, amounting to about 200: but the parties which were to co-operate with Campbell, whether by chance, or as it is more probable, by design, did not arrive in time to secure the passes of the Glen, so that 160 escaped. After perpetrating this horrid deed, they set the houses on fire and drove off the cattle—leaving the women and children of the Glen exposed to the storms of that inclement clime and season, naked and forlorn, without food or shelter, in the

midst of the snow that covered the mountains on every side, at the distance of six miles from the nearest habitation : and they are said to have perished for the most part in this wild and dreary waste before they could receive the least comfort or assistance ; lady M'Donald in particular, wife of the chieftain, a woman venerable for her years and condition, expiring in a phrensy of grief and horror*.

BOOK II.

• Though Campbell, when the business in question became the theme of public execration, justified the perpetration of this abominable act, saying in the royal coffee-house, Edinburgh, “ that he would do it again, if it were again to be done ;” yet we are told, that a consciousness of guilt was always visible in his deportment ; and it was said of him, “ Glencoe seems to hang about Glenlyon night and day—you may see it in his face.”

It is curious to observe with what eagerness the execution of this atrocious project was transferred from one person to another. The commander in chief, Levingstone, sent his orders to colonel Hill, governor of Fort William ; who devolved the task upon lieutenant colonel Hamilton, who chose to shift it to major Duncanson, who employed captain Campbell as the immediate agent in this bloody business—sending him his instructions in the following words : “ You are hereby ordered to fall upon the rebels the M'Donalds of Glencoe, and put all to the sword under seventy. You are to have special care that the old fox and his sons upon no account escape your hands. You are to secure all the avenues, that no man escape. This you are to put into execution at five o'clock in the morning precisely ; and by that time, or very shortly after it, I'll strive to be at you with a stronger party. If I do not come to you at

BOOK II.

A deed so execrable, performed under the immediate sanction of the king's authority, excited the amazement and indignation of all whose minds were susceptible of the feelings of humanity. The king himself, moved with just resentment at the imposition practised upon him, dismissed the master of Stair from his service; and caused a commission to be passed under the great seal of Scotland for a *pre-cognition* in that matter, which is a usual mode in that kingdom of investigating crimes previous to bringing the criminals to a regular trial.—This terrible example of vengeance inflicted on the men of Glencoe effectually prevented indeed any future insurrection, or seditious disturbance; but inspired the highlanders with an implacable animosity against the king's person and government.

Session of
Parliament
in Scotland.

The public exigencies not rendering it necessary to convene the parliament of Scotland at an earlier season, the session was deferred to April 1693, when the duke of Hamilton, being reconciled to the court, was appointed lord commissioner. By the able and dexterous management chiefly of secretary Johnstone, the discontents of

five, you are not to tarry for me, but to fall on. This is by the king's special command, for the good and safety of the country, that these miscreants may be cut off root and branch. See that this be put in execution without feud or favor, else you may expect to be treated as not true to the king and government, nor a man fit to carry a commission in the king's service."

the nation were much assuaged, and the ill-humor and sourness of the presbyterian party somewhat softened. The king's letter presented by the commissioner, on opening the session, informed the estates, " that his majesty, ever since his coming to the crown, had been firmly resolved to hold a parliament in that his antient kingdom—and that nothing but his necessary presence abroad during the time of action, or in England during the sitting of parliament there, had hitherto hindered his purpose.—He intimated, that the calling them together while he himself was absent from Britain was to be considered as a proof of the entire confidence which he placed in their affection to him and his government. His majesty told them, that he had fully instructed his commissioner in all things which seemed to him necessary to be done at that juncture, for the support of the government and the safety of the people ; reserving what was omitted, and would admit of delay, to his own presence amongst them. And he was persuaded they would heartily concur in what his commissioner would propose to them in his name, for the common interest of king and people. In order to which, in a particular manner he recommended moderation and unanimity to them, especially in church matters ; and that they would provide proper and healing remedies for the disorders which those matters had occasioned."

BOOK II. This politic and popular speech had its effect.
1693. The parliament voted an increased establishment, and large supplies. They determined to vacate the seats of those members who had not yet taken the oaths of fidelity and abjuration ; and also imposed fines upon them. A committee of security was appointed, who reported to the house, that machinations were still carrying on in support of the late king James's interest ; and Neville Payne was brought before parliament, to be examined touching certain intercepted letters. But he sent word to the duke of Hamilton, " that as long as his life was his own he would accuse none ; but, that he was resolved he would not die, since he could discover enough to deserve his pardon." On considering the purport of this notification, the duke and his friends thought it best to indulge him with so long a delay for the production of witnesses, that the session elapsed before the expiration of the term ; and the enquiry was no farther mentioned.

Act of
Compre-
hension.

The affairs of the church were also conducted with more temper than could be expected. An act of comprehension was brought into the house, including all such of the episcopal clergy as submitted to take the oaths before the 10th of July, 1693. They were only required to subscribe to the common confession of faith, and to acknowledge presbytery to be the only legal government

of the Scottish church: with a promise of submission thereto—with a farther indulgence, that, if they took the oaths and refused the declaration, they should be suffered to retain possession of their benefices under the immediate protection of the king—an authority, as Bishop Burnet remarks, very like what they were wont to condemn as Erastianism; and, in fact, many were suffered so to do, who did not even take the oaths previous to the time appointed by the act. An oath of fidelity also, exclusive of the oath of allegiance was imposed upon all who held offices in church or state, to be tendered at the discretion of the council, who were empowered to fine and imprison such as should refuse. This was a measure of legislative violence and injustice: but the mildness and wisdom of the executive power rendered it in fact only a law of salutary restraint. The session came to a speedy and calm conclusion, and all things seemed tending to a peaceable and permanent settlement.

The late DECLARATION of king James, when he fancied himself on the eve of restoration, previous to the victory of La Hogue, was so impetuous as to give much offence even to the most moderate of his own partisans. The earl of Middleton, therefore, having obtained his release from the Tower, was deputed to France in the spring of the present year (1693), to procure

BOOK II.
1692.

Remarkable Declaration of King James.

BOOK II. one of another complexion, and which, as far as
 1693. words could go, gave universal satisfaction: for it made all manner of promises, and pardoned all manner of persons. In this most gracious and insidious of all the declarations promulgated by him, he says, "that, being sensible nothing had contributed so much to his misfortunes as the calumnies of his enemies—and reflecting upon the calamities of his kingdoms, he was willing to leave nothing unattempted that might reconcile his subjects to their duty. That though he would not enter into all the particulars of grace and goodness which he was willing to grant, yet he did assure them they might depend upon every thing that their own representatives should offer to make them happy; it being his noblest aim to do more for the constitution than the most renowned of his ancestors: and in his opinion his chiefest interest to leave no umbrage for jealousy in relation to religion, liberty, and property."

Intrigues of
the Court
of St. Ger-
maine's.

This declaration gave extreme offence to the earl of Melfort, secretary to king James, and to the whole party who were desirous of re-establishing the abdicated monarch without fettering him with terms and conditions. And the earl of Middleton being at the head of the opposite or moderate party, the court of St. Germaine's was divided into the two factions of COMPOUNDERS and NON-COMPOUNDERS; the latter of whom were far more

in the favor and confidence of the king: but the former being accounted more numerous and powerful, it was deemed politic to dismiss the earl of Melfort from his post of secretary, and transfer the seals to the earl of Middleton. It is curious to observe, that all who came under the denomination of COMPOUNDERS were regarded by James as of the republican party. In a memorial presented by this monarch to Louis XIV., November 1692, he affirms, "There are two ostensible parties of protestants who are for him in England—the episcopals and the republicans. The first are against, the second for, concessions. These are to be suspected.—Nevertheless," he says, "ALL who are of this party have not been traitors. The earl of Middleton, who was secretary of state when he left England, never did a false step; general Sackville never failed in his duty; and the earl of Shrewsbury, who was secretary of state to the prince of Orange, laid down that employment by his orders." These are men whom he extols as "equally clear-sighted and incorruptible*."

At this period, if any credit is to be given to the secret correspondence kept up by the court of St. Germaine's with their friends or pretended friends in England, disaffection to the new go;

* Macpherson's State Papers, vol. i. p. 433—40.

BOOK II. 1693. vernment had risen to an alarming height. The abdicated monarch in his MS. Memoirs, so far back as the preceding year 1692, writes: "Many begin to be dissatisfied with the prince of Orange's government. The number of *the king's friends* increased daily—they proposed schemes for his restoration—the correspondence with CHURCHILL was kept up." We are assured, that the cities of Bristol and Exeter had signified their loyalty to James. The earl of Litchfield promised for the county and city of Oxford; the earl of Lindsey for the county of Lincoln; sir John Friend hoped to possess himself of the Tower; the marquis of Carmarthen, president of the council, engaged for Hull. Exclusive of the non-juring clergy, four-fifths of those who had taken the oaths were ready to join the king. The arch-traitor Sunderland wrote a letter to James, full of contrition for his past conduct, assuring him, "that an invasion could not fail of success, and promising to contribute all he could to his service." Godolphin, Marlborough, and Shrewsbury, also continued their clandestine and illegal intercourse with the late sovereign.

Earl of Nottingham dismissed.

The KING returned to England in the month of October 1693; and he was now prompted by various concurring motives to resolve upon a farther change in the administration. The unpopularity of the earl of Nottingham had so far in-

created as to make the ministry, of which he was considered as the head, collectively odious. It was therefore signified to him, that the king had no farther occasion for his services. And though WILLIAM was perfectly assured of the fidelity of that nobleman, and by no means ignorant of the cabals of his adversaries at the Court of St. Germaine's, he saw the necessity of again having recourse to the whigs. It is very remarkable, that the person with whom he chiefly advised upon this occasion, and by whose counsels he was supposed to be most influenced, was the earl of Sunderland; who had been for some time past rising into high favor with the king, and who stood in the singular situation of being trusted by two monarchs, both of whom he had betrayed, and neither of whom would avow their communication with him. It is probable that this extraordinary man was less insincere in his professions of attachment to William than to James; though with him, and indeed with too many others, self-interest was the rod which swallowed up the rest. At this period he undertook the important and arduous task of reconciling the monarch with the whigs, whose political confidence he possessed. For, though to the nation at large he appeared the most obnoxious minister of the late reign, it was well known to the leaders of all parties that he was chiefly and purposely accessory to the ruin

BOOK II.

1693.

Earl of
Sunderland
in Favor
with the
King.

BOOK II. of the abdicated monarch. Deeply versed in the science of human nature, and skilful beyond any man in practising on the weaknesses and passions of men, he had made his attack in the precise part where he knew the king to be most vulnerable. Perceiving the ruling passion of the monarch to be the reduction of the power of France, and that, notwithstanding the ill success of the war and the heavy burdens it brought on the country, he was still eager in the prosecution of it, this nobleman determined to display still more ardor, if possible, in pursuit of the same object. In order to attain his grand purpose, viz. the reinstatement of himself in power, he saw clearly the necessity of declaring openly and decidedly in favor of the whigs, who were beyond comparison more zealous than the Tories in their support of the war, and more vehement in their dread and detestation of the Gallic greatness.

Death of
the Mar-
quis of Ha-
lifax.

The marquis of Halifax also attempted at this critical juncture, though with inferior address and far less success than Sunderland, to retrieve his credit with the whig party by his eagerness and ardor in the same cause ; in defence of which he published a political tract, in which he affirmed it " to be of the last consequence to every true Englishman that the present war should be carried on for the preservation of our liberties and reli-

gion, against the common enemy of both ; notwithstanding the false and foolish insinuation of some discontented *Jacobites*, that a peace with France is more necessary than a war, and that it is more carried on for the sake of others than ourselves." Perceiving himself shunned, neglected, and despised, this nobleman soon after terminated a restless and eventful life in a state of political chagrin strangely blended with religious contrition ; and he died—as bishop Burnet, who attended him, had the charity to hope—" a better man than he lived." He possessed an exquisite talent for keen and sarcastic raillery ; and was one of those statesmen who had rather be admired for saying a witty thing, than approved for doing a wise one. He had by turns been the idol of both parties ; but lived to see himself the contempt of both. So much were his fine talents obscured and disgraced by his want of steadiness, consistency, and principle*.

The tories who remained in office did not tamely acquiesce in the measures of their antagonists, or yield up their superiority without a struggle. Lord Godolphin, retaining his place at the head of the treasury, presented to the king at this period an admirable letter or memorial, in which, after stating the principal difficulties of

Whigs regain their Ascendancy.

* The marquis of Halifax died in the month of April, 1695.

BOOK II. continuing the war, he represented the great and
1693. manifold advantages which would attend the conclusion of a speedy peace, in very forcible terms. "I presume," says the memorialist in fine to "say, that, the war being ended, a new parliament called, and such measures pursued (*i. e.* such measures as would tend to raise the government above a dependency upon either faction for support), your majesty would quickly find that the Jacobites would turn moderate churchmen and loyal subjects, and the whigs much more obsequious courtiers and easier servants than they now are." But the counsel of Sunderland was far more acceptable to the king than that of Godolphin; and a resolution was taken to engage the most popular leaders of the whig party in the administration. Admiral Russel was restored to the command of the fleet, and in a short time placed at the head of the board of admiralty; and the commissions of lieutenancy, &c. throughout the kingdom were altered in favor of the whigs. The tender of the seals to the earl of Shrewsbury was attended with very singular and curious circumstances. Captain Lloyd, in his subsequent report to the court of St. Germaine's says, "I went to wait on the countess of Shrewsbury: she told me how her son the earl had been obliged to accept of an employment. The prince of Orange had sent for him to offer him the post of secretary

of state, which he refused on account of his bad health. But the prince of Orange shewed him that he had a very different reason, by repeating to him a discourse which he had held about your majesty. This surprised the earl of Shrewsbury much, and convinced him of the danger of refusing the employment. He demanded some time to go to the country on pressing business; and, on his return, was, to his great regret, *obliged to accept of the seals.*"—It is traditionally reported, that the king sent a colonel of the guards to the earl with the seals of office in one hand, and a warrant of commitment to the Tower in the other. It may easily be supposed that he did not long hesitate which of these to accept.

BOOK II.
1693.

Macpher-
son.

Notwithstanding the series of triumphs which had hitherto almost invariably attended the arms of the king of France, that monarch was anxious for the return of peace: and this he scrupled not repeatedly to express. He was fully sensible that an insurmountable barrier was raised against any farther permanent acquisition of power. In consequence of the exertion made by France in the course of this arduous contest, the resources of the kingdom were exhausted, and from a succession of unfavorable seasons the harvests of that country had proved extremely deficient: so that while the external appearance of things dazzled the eye with the false and artificial glare of mag-

Pacific Ad-
vances of
France re-
jected.

BOOK II.

1693.

nificence, the interior exhibited a deplorable scene of misery and wretchedness. In the course of the present winter, the king of France was from these motives induced to make a very equitable and reasonable proposal for the accommodation of differences, through the respectable mediation of the court of Denmark ; purporting in substance the restitution of the conquests he had made during the war, the renunciation of his pretensions to the Low Countries in the event of the death of the king of Spain, and the re-establishment of the former treaties of commerce. In the memorial presented by the Danish ambassador on this occasion to the court of London, December 1693, he with dignity and propriety states, “that the desolation this present war has carried into most parts of Europe, together with the duty incumbent upon a Christian king, oblige the king his master to impart to his Britannic majesty those proposals of peace which the Most Christian king has communicated to him—that otherwise the king his master might have reason to decline his offices towards the peace of Europe, and taking upon him so important a negotiation ; since the advances he has already made, as well as the king of Sweden, have not only proved ineffectual, but likewise have been so misconstrued as to render them suspected.” Of the terms thus fairly and honorably tendered, the tory ministers were justly

supposed to have signified to the king their entire approbation. But the measures of the court were decided; and the king had already announced in his speech to parliament, November 7, 1693, "the necessity of *increasing* the national forces both by sea and land, the next year, as essential to the honor and security of the kingdom—informing them that the continental powers had on their part resolved upon making proportionable additions, and demanding a supply equal to the present exigency." The house of commons, highly gratified with the late changes, voted unanimously, "that they would support their majesties and the government, and grant a sufficient supply for the vigorous prosecution of the war."

The bill for rendering all members of the house of commons incapable of places of trust and profit, which had been brought in last session under the title of a bill touching free and impartial proceedings in parliament, and rejected by the lords, now passed with an high hand through both houses—but when presented to the king, with the land-tax and other bills, the royal assent was refused, to the great astonishment and indignation of the commons, who immediately came to a vote, "that whoever advised the king not to give the royal assent to the bill in question, was an enemy to their majesties and the kingdom." And

BOOK II.
1693.

Royal Assent refused to the Place Bill.

BOOK II. an address was unanimously agreed to, representing the grief of the commons, that a measure which tended so much to the clearing the reputation of the house should be rejected by his majesty after their great exertions for the public service. "We humbly beseech your majesty," says this high-spirited and patriotic house of commons, "to believe that none can have so great a concern and interest in the prosperity and happiness of your majesty and government as your two houses of parliament; and do therefore humbly pray, that for the future you would be graciously pleased to hearken to the advice of your parliament, and not to the secret advices of particular persons, who may have private interests of their own, separate from the true interest of your majesty and your people." The king's answer expressed his high esteem for the constitution, and the great regard he should ever pay to the advice of parliament—assuring them "that he should consider all such persons as his enemies who should advise any thing that might lessen it." This was so evasive, that a motion was made to address the king for a farther and more explicit answer; but, on a division, over-ruled by a great majority.

In the course of a tedious enquiry into the naval miscarriages of the last year, lord Falkland, who had for some time past occupied the high

station of first lord of the admiralty, fell under parliamentary displeasure. The admirals were exculpated: and Russel, after a short interval, and with unusual powers, placed at the head of the board. But the earl of Nottingham silenced, though unable to disarm, the malice of his enemies, by the clearest and most satisfactory vindication of his own conduct.

The session of parliament was rendered memorable by the establishment of a national bank, under the denomination of the bank of England; the original capital stock of which, amounting to 1,500,000*l.* was subscribed in ten days. This proved a very sensible relief to government in matters of pecuniary concern, and raised surprisingly the value of exchequer-bills, tallies, and other government securities, which had suffered under a great depreciation. The act however did not pass without animadversion. Some prophetic politicians intimated their apprehensions, 'that an institution of this kind would soon become a mere creature of the government—that care would be taken to give it none but government operations—that on any sudden emergency, or even general panic, the Bank might find itself unable to answer the demands of its creditors, and that the failure of a national bank must be attended with national ruin—that such an institution, under the influence of the executive go

BOOK II.
1693.

Bank of
England
established

BOOK II. vernment, would throw more real power into its
 1693. hands, and add more facility to the projects of arbitrary and despotic ministers, not to say monarchs, than the erection of a citadel :—that the shutting up the exchequer in the last reign but one, after the bankers had been induced to deposit the money there, was alone sufficient to manifest the danger of trusting any mighty mass of wealth within the reach of power :—and in fine, that, from the time this new wheel was added to the machine of government, all its motions would be mysterious and unintelligible; and a very little cunning might serve to destroy what all the wisdom and virtue of the nation could never restore.

*Affairs of
 the East-
 India Com-
 pany.*

As no decisive measure had been resolved on during the last session to the prejudice of the East-India company, the proprietors flattered themselves that they had the best of the contest. And they had in consequence made application to government for a new charter, to enable them to take in additional subscriptions to the amount of 756,000*l.* which was necessary to raise the aggregate of their capital to one million and a half, which had by a vote of the house of commons been declared necessary for carrying on the trade: and had actually obtained an order of council to the attorney-general for preparing &c, with such additional regulations as were pre-

viously agreed upon. But on the other hand, the antagonists of the company had preferred their petition to government, praying, as before, "for the establishment of a NEW COMPANY, by a new, free, and national subscription; and declaring that the addition of new subscriptions to the *imaginary stock* of the company then subsisting would expose the new stock to the debts of the old; whereby the said new stock might be swallowed up, and the whole trade endangered."

An application for a new charter was indeed become absolutely necessary on the part of the old proprietors, in consequence of their own egregious indiscretion. For, a bill being introduced for taxing the joint stocks of the several public companies, and the capital of the East-India Company being valued at 744,000*l.*, it was urged in plea of abatement, that, were their debts paid, their stock would be worth little or nothing. The bill nevertheless passed, with a severe clause of forfeiture of charter in case of default of payment. Default being made, the charter became legally void, and the antagonists of the company maintained, that, being voided by act of parliament, it could only be restored by act of parliament. After a violent contest, and repeated hearings before the privy council, a warrant was at length prepared by an order of council for her majesty's signature in order to the passing the charter in

BOOK II. question, and the great seal was affixed to the same
 1693. by the lord keeper Somers, on the 7th of October
 1693. A petition was, however, presented to the
 house of commons by the indefatigable and per-
 severing antagonists of the company, on the meet-
 ing of parliament, containing allegations both
 against the legality and expediency of the new
 charter: and after vehement debates, in which
 the friends and foes of the company exerted
 themselves with alternate success, a resolution of
 the house passed, amounting to a virtual subver-
 sion of the charter, by declaring "that all the
 subjects of England had an equal right to trade
 to the East-Indies, unless prohibited by act of par-
 liament." But no censure was passed either on
 the several charters granted to the company, or
 the manner of obtaining them: nor was any pro-
 ject adopted for regulating the trade by authority
 of parliament for the future.

State of
 Ireland.

Ever since the reduction of Ireland, almost
 every gale that blew had been freighted with the
 groans of the miserable inhabitants. The admi-
 nistration of Coningsby and Porter had been ren-
 dered odious by such a series of frauds and op-
 pressions as would have disgraced the govern-
 ment of a Turkish pacha. So powerful neverthe-
 less was their interest at court, and with such
 plausibility did they urge the never-failing pre-
 tence of *necessity*, "the tyrant's plea for devilish

deeds," in extenuation of their measures, that a pardon was ordered to pass the seals in their favor. But this was arrested in its progress by the representations of lord Bellamont, and James Hamilton, esq. at the council-board, who also petitioned the queen that all proceedings might be suspended till the said petitioners and many others of their majesties' liege subjects of Ireland had produced their proofs against them. Co-

BOOK 2.
1693.

ningsby and Porter on this thought proper to wave their privilege of a pardon. And at the ensuing meeting of parliament, Bellamont, who was himself a member of the house of commons, exhibited regular articles of impeachment against them, accusing the lords justices of "traitorously abusing the power and authority with which they had been invested, &c." And a solemn hearing being appointed, and vouchers of each article produced: the house seemed greatly impressed, and its indignation strongly excited, by the enormity of the offences proved against them. Nevertheless, a resolution ultimately passed, "*that, considering the state of Ireland at the time, they did not think fit to ground an impeachment upon them.*" This weak and guilty vote was followed by the dismissal of Bellamont, and the pardon of the delinquents.

The Lords
Justices
Coningsby
and Porter
impeach-
ed.

If, however, the house was in this instance too lax in its *morality*, they made what bigotry and

BOOK II. superstition would doubtless deem an ample compensation in their extravagant display of zeal for religion, by condemning to be burnt, nearly at the same time, by the hands of the common hangman, a certain Socinian pamphlet called "A Dialogue concerning the Deity,"—or, "A brief Confutation of the Doctrine of the Trinity:" ordering a prosecution of the author, printer, and publisher: thus deciding without knowledge, offering violence in opposition to argument, setting up for judges of abstract truth, arrogating to themselves a papal jurisdiction, and exercising an authority foreign to the very nature of civil government, whose object it is to protect men in the enjoyment of their just rights; of which the free and unrestrained investigation of truth is one of the most sacred and important.

Mr. Montague constituted Chancellor of the Exchequer.

The session terminated April 25th, 1694; immediately after which a grand promotion, civil and military, took place. The earls of Shrewsbury, Bedford, and Devonshire were created dukes; also the earl of Clare, and the marquis of Carmarthen, under the new designations of Newcastle and Leeds. The earl of Mulgrave was made marquis of Normanby, with a pension of 3000*l.* per annum. Lord Sydney was appointed master of the ordnance, declared warden of the cinque ports, and created earl of Romney. Mr. Montague, a man of rising talents, and zealously

attached to the whig party, was constituted chancellor of the exchequer. Two patents of peerage were at once conferred on lord Charles Butler, brother to the duke of Ormond, by the several titles of lord Butler of Weston in England, and earl of Arran in Ireland. And the duke of Hamilton dying at this period, the blue ribbon worn by him was transferred to the duke of Shrewsbury.

BOOK II.
1694.

Early in May 1694, the king embarked for the continent; and, after passing a few weeks at the Hague and Loo, took upon him the command of the allied army, which was ordered to rendezvous at Louvaine. Here he was met by the brother-electors of Bavaria and Cologne; the latter of whom had recently, in opposition to the utmost efforts of the French court, on the demise of prince Clement of Bavaria been chosen bishop of Liege. The army of the confederates, when completely assembled, did not amount to less than 90,000 men, excellently trained, and amply provided. The French, who were inferior in number, but confident in the abilities of their commander M. Luxemburg, had orders to act on the defensive. The two armies employed several weeks in marches and countermarches; till at length maréchal Luxemburg, crossing the Maese, made a movement with his whole army on the side of Liege and Maestricht. The king, know-

Campaign
in Flanders,
&c.

BOOK II.
1694.

Unsuccessful attempt
on French
Flanders.

ing how well those places were provided for defence, immediately ordered a grand detachment under the elector of Bavaria to march with all expedition and pass the Scheld at Oudenarde and Pont d'Esperries, taking post on the other side in order to facilitate the passage of the whole army over that river, with a view to penetrate into French Flanders. This was generally allowed to be a very judicious and masterly movement; and had *maréchal* Luxemburg possessed only ordinary talents, it would probably have been attended with decisive success. But the *maréchal* was no sooner apprized of the route which the confederates had taken, than he detached a numerous corps of his best horse, with each a foot-soldier behind him, to reinforce *M. de Valette*, who had the command of the French lines at Pont d'Esperries; ordering *M. de Villeroy*, accompanied by the dauphin with the cavalry and household troops, to follow with all possible expedition. After a prodigious march of seventeen hours without halting, the *maréchal* formed a junction with *M. de Valette* on the banks of the Scheld: and when the elector of Bavaria, who had also advanced with no ordinary degree of haste, arrived at the destined spot, he perceived to his utter astonishment the French troops entrenching themselves on the opposite side of the river. The king himself, soon after joining

the elector in person, reconnoitred the position of the enemy, and adjudged an attack impracticable. In the sequel, M. de Luxemburg posted his army between Courtray and Menin, in so masterly a manner that no impression could be made on the French frontier on that side ; and the grand object of the campaign on the part of the confederates was wholly frustrated. The service thus performed by M. de Luxemburg was deemed so great, that the king of France wrote a letter with his own hand to the maréchal, acknowledging " that to the unparalleled zeal and diligence of the commander in chief, and to the officers and soldiers serving under him, he stood obliged for the preservation of the frontiers on that side." And by his majesty's express command this letter was read to every corps from the right to the left of the army.

As the French army was now totally withdrawn from the vicinity of the Maese, the king of England, in order to make some advantage of his superiority, detached a body of troops, to be joined by other detachments drawn from the garrisons of Liege and Maestricht, to invest the town and castle of Huy, which surrendered after such resistance as could be made; and about the middle of October 1694 the armies separated, and went into winter quarters.

The prince of Baden, who had passed two

BOOK II.
1694.

BOOK II. months of the preceding winter in England, and
 1691. had concerted measures with the king for an active campaign, now commanded on the Rhine. In June 1694 *maréchal de Lorges* passed the Rhine at *Philipsburg*, in order to force the allies to a battle before the army was completely formed. The prince having intelligence of his motions, possessed himself of a strong camp near *Sintzheim*, which the French general would not venture to attack: and being at length joined by the Saxons, &c. he not only compelled the *maréchal* to repass the Rhine, but, following him into *Alsace*, laid the whole country under contribution. At the approach of winter he retreated, not without some loss, in Germany, without any decisive advantage being gained on either side.

Campaign
on the
Rhine:

**In Hung-
ry:** In Hungary the war continued with an uninterrupted flow of success, though not great or rapid, on the part of the emperor: and this year the fortress of *Giulia* surrendered after a long siege to the imperial army under general *Caprara*—*Temeswar* alone now remaining in possession of the Turks, of all the towns and fortresses to the north of the *Danube*.

In Spain. The principal scene of action this year was Spain. So early as the month of May, the *maréchal duc de Noailles* had forced the Spanish lines on the banks of the river *Ter*, and gained a com-

plete victory ; amongst the immediate fruits of which was the reduction of the towns of Palamos, Gironne, Ostalric, and Castel Foletto : and having been invested by his most christian majesty with the dignity of viceroy of Catalonia, he menaced the city of Barcelona with an immediate siege. This pompous title proved, however, to be somewhat prematurely conferred ; for, on the arrival of admiral Russel with the combined squadrons of English and Dutch, M. de Tourville, who was to have co-operated with Noailles in an attempt upon the city of Barcelona, retired into Toulon ; and the maréchal was, to his great chagrin, compelled to abandon his enterprise.

The duke of Schomberg had been succeeded in the command of the British troops in Piedmont by the earl of Galway, but the campaign in Italy terminated without siege or battle ; and the inactivity of the duke of Savoy was with reason supposed to originate in a clandestine negotiation which he had for some time past been carrying on with the court of Versailles.

The maritime operations of the year were upon the whole far from fortunate. Admiral Wheeler had been detached with a strong squadron to the Straits to convoy the Mediterranean and Levant trade, and to cruize off Cadiz till the arrival of the Spanish flota. Having successfully

BOOK II.

1694.

Campaign
in Italy.Admiral
Wheeler
ship-
wrecked.

BOOK II. performed these commissions, it was his evil destiny, in the month of February 1694, to encounter off the Rock of Gibraltar one of the most violent tempests known in the memory of man. It began on the 17th, and continued with little or no remission to the 19th; in which dreadful interval admiral Wheeler himself in the *Sussex* man of war, and two other line-of-battle ships, were totally lost: besides three of an inferior rate, and an incredible number of traders and coasting vessels.

Disastrous
Attempt on
Brest.

A still greater disaster occurred in the failure of a grand expedition against Brest, respecting which the nation had formed the most sanguine expectation; nor, on the other hand, had any project framed by England during the present war occasioned so much alarm and apprehension to the court of France. In the beginning of June, a fleet of about thirty ships of the line, English and Dutch, commanded by lord Berkeley, having on board 6000 land forces under general Tollemache, an officer of approved courage and reputation, sailed from St. Helen's and came to anchor between Camaret and Bertheaume bays, lying on each side the entrance into Brest water, on the evening of the 7th. The defence of this important place had been committed to the famous M. Vauban, who, previous to the arrival of the English armament, had

written to the king of France, "that his majesty needed to be under no apprehension; that he had made all the subterraneous passages under the castle bomb-proof; that he had disposed 90 mortars and 300 pieces of cannon in proper places; that all the ships were out of the reach of the enemy's bombs, and all the troops in good order; that there were 300 bombardiers in the place, 300 gentlemen, 4000 men regular troops, and a regiment of dragoons just arrived."

BOOK II.
1694.

After a bold but ineffectual endeavour to silence the castle and forts which guarded the entrance into the harbour, general Tollemache made a desperate attempt to effect a landing with the troops in a small bay flanked to the right and left with cannon and entrenchments within half-musket-shot of the water. No sooner had they gained the shore, but they were received so warmly by the French as to compel them to a precipitate and disorderly retreat to the boats; and it being now the tide of ebb, they could not clear themselves from the ooze in which they were bedded; and the greater part of the troops which had landed were either miserably slaughtered, or obliged to beg for quarter. General Tollemache, after displaying heroic valour, received a wound which proved mortal; and the whole armament returned immediately to England, perceiving with sensible chagrin that they

BOOK II. **had engaged in an enterprise above their strength.**
1694. General Tollemache, who survived some days, declared, "that he felt no regret at losing his life in the performance of his duty, but that it was a great grief to him to have been betrayed. From whatever evidence he might form this conclusion, certain it is that his belief of treachery was but too well founded. On the 3d of May preceding, the earl of Marlborough had transmitted through the hands of colonel Sackville a letter to king James, communicating the whole design of this expedition; which the colonel in his dispatch to the earl of Melfort, then occupying no ostensible office at the court of St. Germaine's, desired "for the love of God might be kept a secret even from lord Middleton."—"It is only to-day," lord Marlborough declares, "I have learned the news I now write you; which is, that the bomb-ketches, and the twelve regiments encamped at Portsmouth, with the two regiments of marines, all commanded by Tollemache, are destined for burning the harbour of Brest, and destroying all the men of war which are there. This will be a great advantage to England; but no consideration can prevent, or ever shall prevent me from informing you of all that I believe to be for your service; therefore, you may make your own use of this intelligence, which you may depend upon being exactly true. But I must conjure you,

for your own interest, to let no one know but the queen, and the bearer of this letter.—I have endeavoured to learn this some time ago from admiral Russel; but he *always* denied it to me, though I am very sure that he knew the design for more than six weeks. This gives me a bad sign of this man's intentions. I shall be very well pleased to learn that this letter comes safe to your hands*.”

BOOK II.
1694.

In order to remove the public depression occasioned by this disaster, lord Berkeley had orders to stretch over to the coast of France, and use every means in his power, consistent with the laws of war, for the annoyance of the enemy. Agreeably to his instructions, therefore, he sailed first to Dieppe, and threw a prodigious number of bombs and carcasses into the place, so that the town was in a manner ruined and destroyed. From Dieppe the fleet directed its course towards Havre-de-Grace, which met with nearly the same fate. They then attempted Dunkirk and Calais; but the whole country being by this time alarmed, and prepared for defence, these attacks were attended with very imperfect success. A general consternation however was excited, and some retaliation made for the horrid excesses committed by the French on the banks of the Rhine;

Bombardment of Dieppe and Havre-de-Grace.

* Macpherson's State Papers, vol. i. p. 487.

BOOK II. which indeed was the only justifiable motive that
 1694. could be assigned for so barbarous a mode of
 waging war.

The honor of the British flag was much more effectually maintained during this summer by admiral Russel, who rode triumphant in the Mediterranean; and after relieving Barcelona, and driving the French fleet into their ports, he received orders from England to winter with his whole fleet at Cadiz. On the appearance of this vast armament, consisting of 60 ships of the line, in the Mediterranean, the Italian powers of Venice and Tuscany thought proper to acknowledge the title of the king, which they had hitherto evaded: and the duke of Savoy in all probability was prevented from concluding a separate treaty with France.

Session of
Parliament.

On the 9th of November 1694 the king landed at Margate, and was met by the queen at Rochester. Their progress to the metropolis was every where attended with loud acclamations. On the 12th the session of parliament was opened; and the king in his speech congratulated the house on the favorable posture of affairs by sea and land; and earnestly recommended to the commons to provide such supplies as might enable him to prosecute the war with vigor. Loyal addresses were returned, and supplies to the amount of five millions, at that time

considered as an immense sum, readily granted. BOOK II.
 But, with the supply bills, the bill for the frequent meeting and calling of parliaments kept 1694.
Triennial
Act passed.
 pace. It was prepared by order of the commons, and brought in by Mr. Harley, a member of the house, now rising to great parliamentary eminence, on the 22d of November, and, in a few days passing the house, was sent up to the lords, who gave it their concurrence without any amendment; four days after which, December the 22d, the king, sensible of the impropriety of longer resisting the national will on this favorite point, gave it the royal assent. It enacted, that a new parliament should be called every third year, and that the present parliament should be dissolved before the 25th of March 1696. This act was received by the nation with great joy, as the most satisfactory security ever yet obtained for the perpetuation of their rights and liberties. But unhappily, in the earnestness of their zeal for the acquisition of one great constitutional point, they entirely overlooked another; and it was not considered that the purity and equality of the national representation were of no less importance than the term of its duration—an oversight which the succeeding generations have had reason bitterly to lament, and which the most strenuous efforts of patriotism have not yet been able to repair.

BOOK II.

1694.

Death of
Arch-
bishop
Tillotson:

and of
Sancroft.

At this period the church of England sustained a great loss, in the sudden death of its metropolitan, archbishop Tillotson, a prelate, who in a very difficult and critical situation had conducted himself with great wisdom, temper and moderation. He had a clear head, with a tender and compassionate heart; and, like his celebrated predecessor Cranmer, was a faithful and zealous friend, but a gentle, generous, and placable adversary. He was succeeded in his high office by Dr. Tennison bishop of Lincoln, a man highly respectable for understanding, piety and candor. Sancroft, the deprived metropolitan, had died some months before Tillotson—greater in his village retirement than on his archiepiscopal throne, which he appeared in the times in which he lived but ill qualified to fill. Though he could never conscientiously take the oaths to the new government, he discovered nothing of a factious or seditious spirit, and abstained from whatever had a tendency to violate the public peace. In a conference which during his last illness we are told he held with one of his conforming chaplains, it seems evident that he died in charity with all men. “You and I,” said the dying prelate, “have gone different ways in these late affairs; but I trust heaven’s gates are wide enough to receive us both. What I have done,

I have done in the integrity of my heart—indeed in the great integrity of my heart*.”

BOOK II.
1694.

Illness and
Death of
the Queen:

But the nation was destined at this period to feel another and yet heavier loss. In December the queen was attacked with what appeared a transient indisposition, from which she soon in a great degree recovered. But the disorder returning with more serious symptoms, the physicians of the household were called in, who pronounced it to be the measles; and very improper remedies were applied, for it was soon ascertained to

* It is a soothing and consolatory reflection, that men who think and act in a manner widely different may be equally deserving of esteem and reverence. Of archbishop Tillotson king William said to Mr. Chadwick, his son-in-law, “ I loved your father: I never knew an honester man, and never had a better friend.” Bishop Burnet preached his funeral sermon: “ the most moving,” says Mr. Oldmixon, “ I ever heard, and to the most crowded auditory I ever saw—interrupted only by sighs and tears.” Of archbishop Sancroft it is affirmed by Mr. Wagstaff, a clergyman who published an account of that prelate’s last illness, “ any man might read the pleasure in his breast by the constant serenity and cheerfulness of his aspect. It was indeed,” says he, “ an unspeakable comfort and satisfaction to us, and we reflected on the mighty power of a well-spent life. Drawing near his end, he said, that his profession was real and conscientious; and that, if the same thing was to be acted over again, he would quit all he had in the world rather than violate his conscience.” The archbishop died November 24, 1693, and was buried, according to his own directions, in the church-yard of the parish of Fressingfield, where he resided.

BOOK II. be the small-pox of the confluent and most malignant sort. She probably thought herself in danger from the first, as in an early stage of the illness she shut herself up in her closet for many hours, and, burning many papers, put the rest in order. The new archbishop attended her; and when no hope of recovery remained, he, with the king's approbation, communicated to her the true state of her condition. She received the intelligence with the most perfect composure, and said, "she thanked God she had always carried this in her mind, that nothing was to be left till the last hour—she had nothing then to do but to look up to God and submit to his will;" and continued to the last uniformly calm and resigned. She gave orders to look carefully for a small escritoire, to be delivered to the king. The day before she died she received the sacrament—all the bishops who were attending being admitted to receive it with her; after which she had her last interview with the king, to whom she addressed a few broken sentences imperfectly understood. Cordials were administered, but in vain. She lay silent for some hours, and from a few words which then dropped from her lips it was perceived that her thoughts were wandering. In conclusion, she died on the 28th of December 1694, about one in the morning, in the thirty-third year of her age and sixth of her reign. She

was buried at Westminster with unusual honors, both houses of parliament assisting at the solemnity: and her memory was consecrated by the tears of the nation. All distinctions of party seemed for a moment to be forgotten and absorbed in one general sentiment of affectionate and grateful admiration*. The king was justly inconsolable for her loss. During her illness he had given way to the most passionate bursts of grief: and after her death he seemed for many weeks and months plunged into the deepest melancholy. The necessity of attending to the great affairs of government at length roused him in some measure from his lethargy; and he gradually recovered his composure of mind; but to the last moment of his life he retained the fondest and tenderest affection for her memory.

The misunderstanding between the king and queen and the prince and princess of Denmark had arisen to a great height: but during the illness of the queen the princess had requested to be permitted to visit her. This was civilly

*Princess of
Denmark
reconciled
to the
King.*

* Yet such is the tendency of faction to debase and brutalise the mind, that a certain non-juring clergyman was capable of insulting the memory of this accomplished princess, by preaching, on the occasion of her funeral, on the following remarkable text: "Go now see this accursed woman and bury her, for she is a king's daughter."

BOOK II. declined, the physicians deeming it not advisa-
 1694. ble; but a forgiving message was sent by the
 queen to the princess, and after her decease a
 reconciliation was effected between the king and
 the princess, through the sole intervention of the
 earl of Sunderland*. By his advice a letter of
 respectful condolence was written to his majesty
 by the princess, who was again received at court,
 and treated with great demonstrations of regard†.

* Vide duchess of Marlborough's Account, p. 110.

† The letter was expressed in the following handsome terms :
 " SIR, I beg your majesty's favorable acceptance of my sincere
 and hearty sorrow for your great affliction in the loss of the
 queen; and I do assure your majesty I am as sensibly touched
 with this sad misfortune as if I had never been so unhappy as
 to have fallen into her displeasure. It is my earnest desire your
 majesty would give me leave to wait upon you as soon as it can
 be without inconvenience to you, and without danger of in-
 creasing your affliction, that I may have an opportunity myself,
 not only of repeating this, but of assuring your majesty of my
 real intention to omit no occasion of giving you constant proofs
 of my sincere respect and concern for your person and interest,
 as becomes, SIR, your majesty's most affectionate sister and
 servant, ANNE." What appears most extraordinary in this
 reconciliation is, that lord Sunderland should have had the ad-
 dress to acquire for himself the merit of accomplishing it. By
 what arts of insinuation he ingratiated himself into the confi-
 dence of the princess we are not informed; but certain it is,
 that she had at a former period expressed herself in very vehe-
 ment and indignant terms respecting him. In a letter addressed
 to her sister, the princess of Orange, a short time previous to
 the Revolution, she styles him "the subtlest workingest villain

The king appropriated the palace of St. James's for her residence, and presented her with the greater part of the queen's jewels—but a mutual jealousy and dislike subsisted under these exte-
BOOK II.
1694.

On the demise of the queen, a very perplexing question of law was started in the upper house by the lords Rochester and Nottingham, the chiefs of the tory party, who insisted that the parliament was dissolved in consequence of that event, the writs being issued in the joint names of the king and queen. The earl of Portland with indignation replied, "that this was a matter not fit to be mentioned, and much less debated"—

on the face of the earth." It is worthy of remark, that at this precise period we find lord Arran, in a dispatch to king James, dated March 13, 1695, thus expressing himself: "With regard to news, it is certain that the preparations that are made here for the Mediterranean are designed for attacking Toulon, if it is possible. It is lord Sunderland who has given me in charge to assure your majesty of this." M'Pherson, vol. i. p. 487. On comparing this intelligence with a letter from admiral Russel to the earl of Galway, it appears strongly corroborated. The admiral desires his lordship "to let him know, whether there was a probability of doing any service with the fleet at the French ports; and particularly, if with our troops, and such strength as the duke of Savoy could add to them, they and the fleet together might not attempt even Toulon itself with hopes of success." This letter was communicated to his royal highness and the marquis Leganez, who were of opinion, "*that not any thing could be done therein.*"

BOOK II. in which sentiment the house seemed unanimously
1695. to concur ; and the people at large, being satisfied with the provisions made by the triennial act for a speedy dissolution, disapproved the unseasonable suggestion of a legal scruple, which might be attended with such dangerous consequences.

In the course of public business, soon after Christmas, a petition was presented from the inhabitants of Royston, complaining of oppressive usage from the officers and soldiers of colonel Hastings's regiment quartered there, in exacting subsistence-money, &c. by a sort of coercion little short of military execution. The house, inflamed with this intelligence, set on foot an enquiry into the conduct of the colonels of regiments and army-agents, several of whom were committed to custody in consequence of a representation to the king, and Hastings was cashiered: also a proclamation issued against all such illegal and criminal practices.

This enquiry led to other investigations of a still more interesting nature ; and it appeared that several of the leading members of the house had been guilty of receiving bribes to facilitate the passing of certain bills. A bill called the Orphans' Bill, brought into the house by the corporation of London, after several years fruitless solicitation, it was remarked, had passed in the course of the last session without difficulty.

On appointing a committee to examine the chamberlain's books, the copy of an order was found for paying Sir John Trevor, the SPEAKER of the HOUSE of COMMONS, one thousand guineas so soon as the said bill should be passed, with an intimation from Barrat the city solicitor that unless the said sum was given the bill would not pass. On receiving the report, the speaker was reduced to the unparalleled mortification of putting the question, "that sir John Trevor, speaker of this house, in receiving a gratuity of one thousand guineas from the city of London, after passing the Orphans' Bill, is guilty of a high crime and misdemeanour." This being carried in the affirmative, the speaker thought it expedient to abdicate the chair, and was immediately expelled by an unanimous vote of the house, and Paul Foley, esq. chosen speaker in his room. Mr. Hungerford, chairman of the committee on the Orphans' Bill, having also been proved guilty of corruption, was in like manner expelled the house.

BOOK II.
1695.

Speaker of the House of Commons expelled the House.

But the investigations of the house did not terminate here. The same committee being empowered to examine the books and accounts of the East India Company, it appeared on inspection, that whereas the sum issued for special or secret service did not in the year 1688 amount to more than 1284*l*. and in the two

Investigation of the affairs of the East India Company.

BOOK II.
1695.

Malversations of the Duke of Leeds.

following years to more than 2096*l.* and 3056*l.*— in the last year 1693 it rose to 167,000*l.* Sir Thomas Cooke, a member of the house, having been governor of the company during the last year, was called upon to declare in what manner this money had been expended. Cooke, refusing to answer, was committed to the Tower; and a bill of pains and penalties brought in, obliging him to discover how the sum mentioned in the report of the committee had been distributed. This bill was vehemently opposed by the duke of Leeds in the house of lords, as contrary to law and equity; and furnishing a precedent of a most dangerous nature. The warmth of the lord president only tended to create farther suspicion, especially as his grace was loud and earnest in the protestations of his own innocence, although no accusation had been exhibited against him. The bill ultimately passed, with a clause indemnifying Cooke from any offence committed by him in the distribution of the money in question: on which Cooke delivered in a statement of the various sums paid by him to various persons: amongst the rest, 40,000*l.* to sir Basil Firebrace for favors and services done to the company. Sir Basil, being examined as to the nature of the services he had performed for the company, fell into great confusion and loss of memory—complained of illness, and

requested that the examination might be deferred —said he had done the company service by his solicitations; but knew not of any money or stock given to any person whatsoever for procuring a new charter. On his re-examination he could now *recollect* that, in consequence of a treaty with Mr. Bates, whom he thought able to do service in passing the charter, he had given him two notes for 5500 guineas—that Bates had acquaintance with several great lords, particularly the LORD PRESIDENT, to whom he, *i. e.* Firebrace, had free access *after the notes were given*; and found him easy and willing to grant the company his assistance respecting the renewal of the charter.. Sir Basil farther said, that, having at the first intimated to Bates that a present of 2000*l.* or 3000*l.* might be made for the service required; Bates replied that more than this had been offered by the other side. Sir Basil at last consented to give 5000 guineas: on which Bates said, “this was nothing to HIM: he ought not to be employed for nothing”—on which an addition of 500 guineas was made to the 5000: and finally, that, about a week ago, Bates desired to return the 5000 guineas, saying it might make a noise—the 500 still remaining in his hands. Bates, being summoned, deposed, that Firebrace had applied to him for his interest, saying, that the company would be very grateful for it—that he did

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1695.

BOOK II.
1695.

accordingly use his interest with the lord president, who said he would do what service he could, agreeably to the opinion he had delivered in public, viz. that the charter ought to be confirmed—that he did receive the notes in question—that he told the lord president of it, and would have *passed* them upon him; but his grace refused them—that counter-notes were given, making the payment of the money wholly dependent on the renewal of the charter—that the money, when paid, was lodged in the hands of a foreign domestic of the lord president, monsieur Robart, where it had remained till he had returned the present to sir Basil, from the apprehension of the noise it might make—and that the whole was to be applied to his own private use. This account was corroborated by the lord president in a vindictory speech delivered in his place as a lord of parliament; when, his grace receiving notice that the commons were proceeding to a vote of impeachment against him, abruptly broke off, and, presenting himself at the door of the lower house, caused the house to be informed, that he desired to be heard in his own defence. He was accordingly admitted, and complimented with a chair within the bar, and leave to be covered. Then rising with his hat off, he “thanked them for the favor they had granted, and expressed his impatience to justify himself from whatever might ap-

pear to deserve the censure of that house. His grace then assumed a very lofty tone, ill suited to the occasion, and declared it to be a bold word indeed, but a truth, that the house would not have been sitting at this time but for him—That he had been formerly pursued for being in the French interest, but that he hoped that all the actions of his life would justify him from the charges brought against him.—As to the present matter, it was true Firebrace had been introduced to him—but that, upon his faith and honor, he had neither directly nor indirectly touched one penny of the money; nor did he think Bates was a man to be concerned in an ill thing. He insinuated that a design had been framed against him, previous to the naming the committee—that relative to this business he had a thread which he hoped to spin finer still. That he asked nothing but justice, but he trusted that no severe sense would be put on what would bear a candid one. He trusted that the house would reconsider this matter; and if they were determined to proceed, he hoped it would be speedily; for that he would rather want counsel, want time, want any thing, than lie under their displeasure—And he prayed that he might not suffer upon a rack, or under a blast, till a parliament should sit again; but that he might have speedy justice.” The duke being withdrawn, it was remarked by

BOOK II.
1693.

BOOK II. his enemies in the house, that speedy justice was
 1695. indeed to be wished ; and that if any malicious
 contrivance against him could be traced by the
 means of any such clue as his grace boasted to
 have in his possession, he would no doubt be
 cleared by his peers, who were the proper judges
 of the merits or demerits of the charge. The
 house then resolved, 1st, that the impeachment
 should be immediately carried up to their lord-
 ships' bar by Mr. Comptroller Wharton, &c. ;
 and 2dly, that the committee do forthwith
 draw up articles of impeachment in due and
 regular form. In a few days the articles were
 reported to the house, and, being agreed to,
 were engrossed and sent up to the lords ; charg-
 ing the duke of Leeds with " high crimes and
 misdemeanours, in that, being president of the
 council, and sworn to give their majesties true
 and faithful advice, he had, contrary to his oath,
 office, and duty, &c. contracted and agreed
 with certain merchants trading to the East
 Indies, to procure a charter of confirmation, &c.
 for the sum of 5500 guineas." During this interval
 Robart, in whose hands the money had been depo-
 sited, thought it expedient to abscond : and the
 duke of Leeds, knowing the evidence to be now
 incomplete, urged anew the immediate prosecu-
 tion of the impeachment, and talked in high
 terms of the hardship and injustice of delay,

Impeach-
 ment of the
 Duke of
 Leeds.

He moved the house of peers, that, if the house of commons did not reply to the answer he had put in, the impeachment might be discharged, otherwise he might lie under the reproach of it all his life. The commons, confounded at this incident, acknowledged that the withdrawment of M. Robart since the impeachment was drawn up, was the reason why they were not in readiness to make it good. His grace the lord president then, exclaiming in severe terms against the commons for doing such an unheard-of and unprecedented thing, as to charge a man with crimes before they had all the evidence to make it good, informed the house, that from a letter left by Robart, from the temper of the man, and from a particular knowledge he had both of him and the thing, he would not be seen here again in haste. "So," said his grace, "if this man be insisted upon as a material evidence, and that my trial is to be delayed till he is forthcoming, when am I likely to be tried?"—And he concluded with again, urging "that the impeachment shall fall, if not immediately proceeded upon." A prorogation of parliament taking place at this precise juncture, and in the midst of these proceedings, the enquiry, though not formally, was virtually relinquished: but the most disgraceful imputations adhered from this time to his grace's character. It ought at the

BOOK II.
1695.

BOOK II. same time to be recorded, to the honor of the earls
 1695. of Portland and Nottingham, that it appeared from the report of the committee, that these noblemen refused with indignation the presents or bribes severally offered them from the same quarter, and for the obtainment of the same object.

Notwithstanding the stigma thus indelibly affixed to the duke of Leeds, he still continued, little to the satisfaction of the public, at the head of the council. His name, however, was not to be found amongst the lords of the regency appointed by the king on his departure for the continent. These consisted of the archbishop of Canterbury, the lord keeper Somers, the lord privy seal Pembroke, the lord steward Devonshire, the lord chamberlain Dorset, the secretary of state Shrewsbury, and the first lord of the treasury Godolphin.

Sir William Trumbull made Secretary of State.

About this time sir John Trenchard, secretary of state, removed from his office by the mighty mandate of death, was succeeded by sir William Trumbull, a man formed very much upon the model of sir William Temple; and who, like him and a few others, had been employed in the conduct of affairs previous to the Revolution, with honor to himself and advantage to the public. Being envoy in France when the edict of Nantz was repealed, he acted a most humane and worthy part in assisting the protestants to escape with their property from the rage of persecution. From Paris

he was sent to Turkey, and resided several years at Constantinople with great credit and reputation. BOOK II.
1695.

In the present spring (1695) a session of parliament was held in Scotland—the marquis of Tweeddale being high commissioner. Affairs of
Scotland.

In the course of it a very remarkable act passed for the establishing a company by the name of the Company of Scotland trading to Africa and the Indies. This company, in which almost the whole commercial strength of Scotland was comprehended, were authorized to freight their own or hired ships for ten years from any of the ports or places in that kingdom, or from any other ports or places in amity with his majesty, to any lands, islands, &c. in Asia, Africa, or America; and there to plant colonies, hold cities, towns, or forts, in or upon the places *not inhabited or possessed* by any European sovereign or state: with an exclusive right against all persons not of the said company—provided that all the ships so freighted should make their returns to Scotland, on pain of confiscation. And an exemption from all impositions, duties, and taxes, was granted to the company for the term of twenty-one years. This very important act, which was passed by the lord commissioner under the general instructions he had received for passing such laws as might tend to the encouragement of trade, excited in Scotland the most eager and flattering hopes, and in England the most alarming jealousies and appre-

BOOK II.
1695.

Inquisition
into the af-
fair of
Glencoe.

hensions; and it was in the sequel productive of very serious consequences. During the session a severe inquisition was made into the affair of Glencoe, and heavy censures passed on the principal actors in that dismal tragedy. The fourth resolution of the report from the commissioners of pre-cognition declared, "that secretary Stair's letters were no ways warranted by, but quite exceeded, the king's instructions; since the said letters, without any insinuation of any method to be taken that might well separate the Glencoe men from the rest, did, in place of prescribing a vindication of public justice, order them *to be cut off and rooted out in earnest and to purpose, and that suddenly and secretly*; which in effect was a barbarous murder."

It is remarkable that Dalrymple, even subsequent to the massacre, did not discover any symptoms of remorse or compassion. On the contrary, his letters and dispatches exhibit astonishing proofs of undiminished rancor and obduracy. March 5, 1692, he writes to colonel Hill—"To take the oath after the day was past did import nothing at all. All that I regret is, that any of the sort got away, and there is a necessity to prosecute them to the uttermost." Again, April 30, from the Hague—"When you do right you need fear nobody. All that can be said is, that in the execution it was neither so full nor so fair as it might have been."

The result of the present elaborate and solemn legislative enquiry was, "that there was nothing in the king's instructions to warrant the committing the said slaughter, even as to the thing itself, and far less as to the manner of it; and that the secretary's letters were no-ways warranted by the king's instructions, which they greatly exceeded." The parliament addressed the king to institute prosecutions against Dalrymple, Hamilton, Duncanson, and Campbell—Levingstone and Hill having votes passed in their favor: but the three latter delinquents being military men acting under military orders, it must have been very difficult to convict them of illegality in their procedure. And it is in vain to deny that the king owed such essential obligations to Dalrymple, by far the most culpable of the number, as to countenance the suspicion that the secretary was upon this occasion too partially screened from public and positive punishment, though he never recovered any share of the royal favor. It is also possible that the king, perceiving the quiet which from that period prevailed in the highlands, had, with the characteristic indifference of a soldier, harboured the opinion that the military execution of Glen-coe, abstracted from the abominable concomitant circumstances of barbarity, was a measure founded in political and retributive justice. But the historic investigation of this business terminates in

BOOK II. obscurity ; and it would be highly unwarrantable
1695. to suffer conjectures to usurp and supply the
place of facts. The disastrous event of Glencoe,
to dismiss the subject with a few concluding remarks,
has ever been regarded as the chief blot in the reign of king William ; and by the enemies of that monarch, is still dwelt upon with malignant pleasure, and magnified as if it were a second St. Bartholomew. Yet was the disposition of the king the most adverse in the world to cruelty ; and the order signed by him must have originated in quite opposite motives. Three years had elapsed since the abdication of king James. Every part of the kingdom had long ago submitted to the existing government, some of the highland clans excepted, who, in spite of repeated defeats in the field, and the utter hopelessness of the cause they maintained, still continued their depredations upon the peaceable and loyal inhabitants of the lowlands. Proclamation after proclamation had been issued against them without effect, and every offer of pardon or submission rejected and contemned. The clan of Glencoe had distinguished itself beyond all others by its implacable animosity to the new government, its rapacity, its insolence, and inhumanity. The season of mercy could not endure for ever ; the proclamation of pardon recently published was expressly declared to be the last ; and if they still persisted in a daring and

obstinate defiance of the laws, it might be adjudged necessary, upon the most rational and equitable principles, to make one signal example of severity, and even of terror, in order to secure the permanent peace and tranquillity of the country. But it is morally and historically certain that the ideas of the king extended not beyond that military execution which had been publicly denounced in the late royal proclamation, and which the laws of every nation will in certain circumstances justify. A nocturnal massacre in cold blood, while reposing in full confidence upon the faith of government at their several homes, in their own secluded and peaceful valley, was a catastrophe which could never enter into his imagination*.

* "The king," says the contemporary historian Oldmixon, vol. ii. p. 77, "knew nothing of the matter, farther than that military execution was determined against all those highlanders who still stood out in rebellion against his government; which was the case of Glencoe and his men as it lay before his majesty."

It is farther to be remarked, that the oath taken by M'Donald had been industriously suppressed by the intervention of Stair, president of the court of justiciary, and father to Dalrymple the secretary; and the certificate of it erased from the lists presented to the privy council. So that the knowledge of this act of submission was in all probability never suffered to reach the king; who was most artfully and cruelly imposed upon in this transaction, and made the unconscious instrument of the bloody and remorseless revenge of Breadalbane. *Vide* Laing's History of Scotland, vol. ii. p. 221.

BOOK II.

1695.

In the course of the parliamentary investigation of this business, the earl of Breadalbane, who had been committed as a prisoner to the castle of Edinburgh, was brought to the bar of the house to answer to a charge of high treason, it being proved upon him, that, in treating with the highland chiefs, he had professed his adherence to the interest of king James, &c. But he alleged that he had secret orders from king William to say anything that would give him credit with them.— That he had acted with the permission, at least, of the king cannot be doubted; and a remote day being fixed for his trial, in the interim the parliament was prorogued, and a pardon granted him. Of this nobleman it was said, “that he was as subtile as a serpent, and as slippery as an eel; that he had no attachment of any kind but to his own interest: that he was not only Jacobite and Williamite by turns, but both at once; and that he played this double part with so much success in the highland treaty, that he received the thanks of king James for having preserved his people whom he could not succour, and was rewarded by king William for having reconciled to his government those desperadoes whom he found it so difficult to subdue*.”

State of Ire-
land.

The first session of a new parliament was held this year (1695) in Ireland, by lord Capel, now

* RALPH, vol. ii.

advanced to the dignity of lord deputy, in which affairs were conducted, through the prudence and moderation of the new governor, with unanimity and dispatch ; and many judicious laws enacted for the settlement of that unhappy and distracted country. At the termination of the session, the commons of Ireland transmitted an address to the king in which they thus express themselves : —“ And we must ever acknowledge to your majesty the great benefit we do, and our posterity shall, receive by those inestimable laws given us by your majesty in this session of parliament, held under your majesty’s deputy, and our excellent governor, the lord Capel ; whereby not only our religion and legal rights are confirmed to us, but this your majesty’s kingdom of Ireland is firmly secured to the imperial crown of England.”

Amongst the laws alluded to, was an act for abolishing the writ *de Hæretico Comburendo* ; an act declaring all attainders and all other acts in the late pretended parliament held by king James null and void ; an act for disarming papists ; an act to restrain foreign education ; and an act for the better settling intestates’ estates.

BOOK II.

1695.

Wise Government
of Lord Capel.

[illegible][illegible][illegible][illegible]

BOOK III.

Death of the Duc de Luxemburg. Campaign in Flanders, 1695. Namur captured by King William. Campaign on the Rhine, in Italy, Spain, and Hungary. Parliament dissolved. Whig Interest obtains the Ascendency. Treason Bill. Re-coinage of Silver. Extravagant Grant to the Earl of Portland. Remonstrance against the Scottish Ind a Company. Dangerous Project for the Establishment of a Council of Trade. Assassination Plot. National Association. Execution of Charnock, Friend and Perkins. Great Naval Exertions. Campaign in Flanders, &c. 1696. Defection of the Duke of Savoy, Conquest of Asoph by the Russians. State of Affairs in Scotland—and Ireland. Session of Parliament. Magnanimous Conduct of the Commons. Novel Operations of Finance. Freedom of the Press in Danger. Fenwick's Bill of Attainder—Arguments for and against it. Negotiations relative to Peace. Congress opened at Ryswick. Campaign in Flanders, 1697. Barcelona taken by the French. Victory over the Turks at Zenta. Death of Sobieski. Treaty of Ryswick signed. Session of Parliament. Vote of the House of Commons for disbanding the Army. Resignation of Lord Sunderland. Affairs of the East India Company. Arbitrary and oppressive Measures embraced respecting Ireland. Theological Disputes. Impolitic Interference of Parliament. Advancement of Lord Albemarle. Earl of Portland's Embassy to Paris. Czar of Muscovy visits England. Affairs of Scotland—and of Ireland. Projects of the King of England. First Treaty of Partition. Reflections upon it. Peace of Carlowitz.

HAVING reviewed the state of affairs in the BOOK III.
 British dominions at this period, it will now
 be proper to advert to the military operations car-
 rying on upon the continent. Early in the pre-
1695.
 Death of
 the duc de
 Luxem-
 burg.

BOOK III. ~~sent year died Francis de Montmorenci duke of~~
 1695. Luxemburg: who ranks, by universal acknowledgment, amongst the greatest generals of the age. The king of France publicly declared, that a greater loss could not have befallen him. After some hesitation, the *maréchal duc de Villeroy* was appointed his successor—*M. de Boufflers* commanding a separate and secondary army under him. The French hitherto conquerors on all sides, but weakened by their very successes, had to combat a hydra in the growing armies of the allies. It began to be difficult to raise recruits, and still more so to raise money, in France. The rigour of the last winter had produced a scarcity almost approaching to famine in that country: and as a celebrated French historian expresses himself, “the people were perishing with hunger in the midst of the public thanksgivings and rejoicings*.” *Louvois*, their greatest statesman, and Luxemburg their greatest general, were now no more; and the spirit of national confidence and superiority gradually diminished. The death of the latter in particular under whom the French soldiery thought themselves invincible, seemed in the apprehension of all, to indicate that the long succession of Gallic triumphs was now at an end, and that the glory of Louis XIV. had reached its zenith.

* VOLTAIRE, *Histoire Generale*, vol. v. p. 214.

It being the general expectation that the allies would exert themselves with redoubled vigor this campaign, a new line was drawn for the protection of French Flanders from the Lys to the Scheld, where the storm was supposed most likely to fall: and M. Villeroi was restrained to act strictly on the defensive. The king of England having put himself at the head of the allied army, advanced by rapid marches to the French lines, as if with a determination to risk an attack: and, to maintain the deception, an attempt was actually made on Fort Knoque. Perceiving that the feint succeeded, and that all the French forces were drawn within the lines, the king dispatched orders to the earl of Athlone, who commanded a separate army on the side of the Maese, to invest the city of Namur. This service was performed with success, though by reason of the difficulty of the ground, and the vast extent of circumvallation, it was not possible to prevent M. de Boufflers from throwing himself into the place with a strong reinforcement; so that the garrison now amounted to 15,000 men. And great additions, under the directions of M. Vauban, having been made to the fortifications, it was considered by the French as impregnable; they had even the vanity to place over one of the gates of Namur the inscription "Reddi quidem, sed viuci non potest." And this attempt was spoken of as an instance of unparalleled temerity.

BOOK III.

1695.

Campaign
in Flanders.Investment
of Namur.

BOOK III.

1695.

The king of England, having marched back his army to Rousclaar, left the command to the prince de Vaudemont; and at the head of a grand division of the troops joined the elector of Bavaria and the earl of Athlone, and took the command of the covering army before Namur. The season, far from being remarkably rainy, as was the case in 1692, was now so dry that the convoys of provision and ammunition could not be sent up the Sambre and Maese for want of water. The main body of the forces, late under the separate command of M. Boufflers, having joined M. Villeroi, that general was expected to march to the relief of the besieged. But the prince of Vaudemont being posted in an exposed situation three leagues only from the French camp, he determined first to attack and destroy this inferior enemy, and then to proceed on his expedition to Namur. The presumption of the prince de Vaudemont in choosing so indefensible a position has incurred the severe censure of that great military critic M. de Feuquieres; who at the same time remarks of M. de Villeroi, "that he was as blind as Fortune herself, who had so undeservedly bestowed this opportunity upon him." For, when the enemy was thus evidently in his power, the *maréchal* resolved, in opposition to all the instances that could be made to the contrary, to defer the attack till the next day. But the prince, sensible of his danger, made in the mean time ad-

mirable dispositions for a retreat. He posted his cavalry in a manner so artful as to conceal the complicated manœuvres of the infantry; and a grand movement taking place with the utmost exactness and regularity, the French with amazement saw a whole army vanish as it were from before their eyes at once. Towards the close of the evening, the prince reached the plain of Oyendonck, where he designed to have taken post: but recollecting, as he afterwards said, a maxim of the great duke of Lorraine, "that, when an army is retreating, it must be sure to retreat beyond the enemy's reach," he continued his march all the night, after refreshing his troops, and by nine in the morning found himself perfectly safe under the walls of Ghent.

BOOK III.
1695.

Celebrated
Retreat of
the Prince
de Vaude-
mont.

The retreat was extremely admired and celebrated by all military judges; and the king of England wrote with his own hand a letter to the prince, in which he compliments him by saying, that it demonstrated more consummate skill in the art of war than if he had won a battle.*

* The following is a translated copy of king William's letter to the prince de Vaudemont:

"COUSIN,

"You cannot believe how much your letter of yesterday noon, which I received this morning by break of day, disturbed me. On the other side, how joyful I was upon the receipt of the other letter, dated from Mary-kirk, near Ghent, this day, at three in the morning. I am much obliged to you; for in

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1695.

Maréchal Villeroy was compelled to content himself with the capture of the petty fortresses of **Dixmuyde** and **Deyme**, which he dismantled, and detained the garrisons contrary to the conditions of the cartel established between the belligerent powers.

In the mean time the siege of **Namur** was carried on with the greatest vigor and success, under the direction of the celebrated **Coehorn**. The allied generals seemed to feel that they had no longer a **Luxemburg** to contend against; and exerted themselves with unusual activity and perseverance. The king and the elector inspired courage in every breast, by sharing the toils and dangers of the siege equally with the men whom they commanded. On the storming of the first counterscarp, the king remained exposed in the trenches a considerable time to a very hot cannonade from the enemy; which killed several persons about him, and among the rest **Mr. Godfrey**, deputy governor of the bank, who came over to establish certain regulations relative to the army remittances; and was curious to see,

this retreat you have given greater marks of a general, consummate in the art of war, than if you had gained a victory. I absolutely approve of your conduct upon this occasion; and I hope it will hinder the enemy from undertaking any thing farther of the same nature. Nevertheless, I shall be impatient till I know which way they bend their march, since this blow has failed them."

something of the nature of military attacks.* On the 4th of August 1695, the town was surrendered by count de Grisaard, on condition of being allowed to withdraw the garrison into the citadel. M. Villeroy now advanced with his forces as if determined to attempt the relief of the castle; but on a sudden he defiled with his whole army towards Brussels, at that time the residence of the electress of Bavaria, to whom a polite message was sent by the *maréchal*, that he had orders to bombard the place, but would spare the quarters where she had her abode. This terrible menace was immediately put in execution; above 2000 bombs and a prodigious number of red-hot shot were thrown into the place, a great part of which was in consequence laid in ruins. This was said to be a retaliation upon the English for the bombardment of the French maritime towns. Regardless of this barbarity, the siege of the citadel of Namur was continued with unabating vigor, and M. Boufflers, fearing a speedy surrender, and,

BOOK III.
1695.

* The following conversation is said to have passed between the king and Mr. Godfrey, a very few minutes before the cannon-ball came which deprived the latter of his life.—KING. "As you are no adventurer in the trade of war, Mr. Godfrey, I think you should not expose yourself to the hazards of it."—GODFREY. "Not being more exposed than your majesty, should I be excusable if I shewed more concern?"—KING. "Yes: I am in my duty, and therefore have a more reasonable claim to preservation."—RALPH.

BOOK III.
1695.

dreading the disgrace of a capitulation, formed a desperate attempt to break through the allied camp with his cavalry, but was prevented by the vigilance of the king. On the 21st of August the batteries opened with a general discharge from 166 pieces of cannon and sixty mortars; so that the very hill on which the castle is situated seemed, according to the strong expression used on this occasion, "to reel with the violence of the shock*." On the 28th of August M. Villeroi, having received a great reinforcement from the Rhine, took post at Gemblours, and drew out his army in battalia as near the allies as the ground would permit. On the other hand the king quitted his lines, and made every disposition to receive his attack. But in the night the *maréchal* decamped, and retreated along the banks of the Mehaigne. A general assault was made on the castle the day succeeding this retreat; and, after a dreadful carnage on both sides, a lodgment was made near an English mile in extent. Preparations being in a few days in forwardness for a second assault, the governor, count de Guiscard, desired to speak with the elector; and an offer was made to surrender the Coehorn fort. But the elector refusing to treat for less than the whole, M. de Boufflers consented to a capitulation—terms the most honorable being granted to the garrison. The king of Great Britain had there-

* Ralph.

fore the honor of taking in seven weeks one of the strongest fortresses in Europe, defended by a maréchal of France, in sight of an army of 100,000 men commanded by another maréchal of France.

BOOK III.
1695:
Capture of
Namur.

This was justly accounted the most glorious of all the warlike exploits of this martial and heroic monarch.* On the marching out of the garrison,

* The celebrated *PATON*, who in his various attempts at the more elevated and sublime poetry is uniformly unfortunate, but who traverses with ease and grace the lighter and gayer walks of *Parnassus*, has ridiculed with exquisite humor the pompous ode of *Boileau* on the taking of *Namur*, three years before this period; and has celebrated this achievement of king *William* in a very agreeable strain of pleasantry. *Boileau*, in his ostentatious performance, had said :

Mais qui fait s'entier la Sambre ?
Sous les Jumeaux effrayés
Des froids torrens de Decembre
Les champs partout sont noyés.
Ceres s'enfuit, éplorée
De voir en proie à Borée
Ses guerets d'épics chargés,
Et sous les urnes fanguennes
Des Hyades orageuses
Tous ses trésors submergés !

Déployez toutes vos rages,
Princes, vents, peuples, frimats :
Ramassez tous vos nuages :
Rassemblez tous vos soldats !
Malgré vous Namur en poudre
S'en va tomber sous la foudre

BOOK III **1695.** **maréchal Boufflers** was arrested, by way of reprisal for the detention of the garrisons of **Dixmuyde** and **Deynse**. He appeared at first much incensed, and declared that the king his master would re-

Qui domta' Lille, Courtray,
Gand la superbe Espagnole,
Saint-Omer, Bezançon, Dole,
Ypres, Mastricht, et Cambray !

Thus happily parodied by the English poet :

Will no kind flood, no friendly rain,
Disguise the marshal's plain disgrace ?
No torrents swell the low Meuse ?
The world will say he durst not pass.
Why will no Hyades appear,
Dear poet, on the banks of Sambre,
Just as they did that mighty year
When they turn'd June into December ?
The water-nymphs are too unkind
To Villeroy—Are the land-nymphs so ?
And fly they all at once combin'd
To shame a general and a beau ?

Truth, justice, sense, religion, fame,
May join to finish William's story :
Nations set free may bless his name,
And France in secret own his glory :
But Ypres, Maestricht, and Cambray,
Bezançon, Ghent, St. Omers, Lisle,
Courtray, and Dole !—Ye critics, say,
How poor to this was *Pindar's* style !
With *ekes* and *akes* tack thy strain,
Great bard ! and sing the deathless prince
Who lost Namur the same campaign
He bought Dixmuyde, and plunder'd Deynse !

venge the insult. But he was told, that, far from intending any personal affront, it was the highest compliment to detain him, as alone equivalent to the thousands included in the captive garrisons. The arrest of Boufflers being made known to the French court, orders were dispatched for the instant release of the garrisons; and the *maréchal*, on his return to Versailles, was received with distinguished marks of esteem and regard. Satisfied with the success already gained, the king left the command of the army to the elector of Bavaria, and forgot the cares of royalty for a few weeks, after such exertions not ingloriously passed, at the beautiful retirement of Loo.

The campaign on the Rhine, where the opposite armies were again commanded by the *maréchal de Lorges* and the prince of Baden, was distinguished only by inaction and insignificance. In Italy, the duke of Savoy recovered the important fortress of Casal, with so little shew of resistance on the part of the French, as to furnish an additional proof of the secret understanding supposed to subsist between the courts of Turin and Versailles. By the terms of the capitulation, Casal was to be restored to its rightful proprietor, the duke of Mantua.

The war in Spain, also, was feebly prosecuted. The king of France was impatient for peace, and contented himself with acting every where on the

BOOK III. it seems to have answered the purpose intended.
 1695. The event proved, that the ships thus employed in the destruction of the property of the enemy would have been more beneficially engaged in the protection of our own: for the trade of the kingdom suffered greatly during the summer from the depredations of the French privateers; many merchant vessels from Barbadoes and the neighbouring islands, and no less than five East Indianes, valued at a million sterling, having fallen into their hands, to the equal wonder and discontent of the commercial world; the English fleets being now every where masters of the sea.

Parliament dissolved.

The king returned to England early in October 1695, and was received as a conqueror with great and universal acclamation. A resolution was taken in council forthwith to dissolve the parliament, which might yet have sat another session. During the election, the king made a progress to the north; and partook, as before, of the diversions of the turf at Newmarket, where he received the compliments of the university of Cambridge. Having staid there three days, he went on the 21st to Althrop, a seat of the earl of Sunderland, who was now publicly known to be in high credit with the king. From Althrop he proceeded to Castle-Ashby and Boughton, the mansions of the earls of Northampton and Montague; thence to Burghley, Welbeck, Warwick Castle, and Wood-

stock. From this place he repaired on the 9th of BOOK III. November to Oxford, and was waited on by the 1695. duke of Ormond, chancellor of the university, and the heads of colleges, professors, &c. in their formalities; the conduit at Carfax running all the time with wine. And so much gratified was the university with his majesty's condescensions, and so well reconciled to his government at this period, that sir William Trumbull, the new secretary, was chosen to represent them in parliament.

Throughout the kingdom the whig interest prevailed in the new elections; and at the meeting of the new parliament, November 22d, 1695, the Whig Interest regains its Ascendancy. king expressed in his opening speech his entire satisfaction at the choice which his people had made. Mr. Foley was again placed in the speaker's chair; and the two houses, in their addresses to the throne, congratulated the glorious success of his majesty's arms; and engaged effectually to assist him in the prosecution of the war, which they confirmed by voting very large and liberal supplies.

Four days after the meeting of parliament, a Treason Bill. bill, which had been formerly offered and rejected, for regulating trials in cases of high treason, was once more brought into the house by the tories. The design of it, according to bishop Burnet, seemed to be to make men as safe in all treasonable conspiracies and practices as possible; it being enacted, "that all persons indicted for high

BOOK III.

1695.

treason, or misprision of treason, shall have a copy of the whole indictment five days, and of the panel of the jurors two days, at least, before the trial; that they shall be permitted the assistance of counsel; that they shall not be convicted but upon the oaths of two witnesses, joining to evidence some overt act; that the indictment be found within three years after the offence be committed; that no evidence be admitted of any overt act not expressly laid in the indictment; that they shall have like process to compel their witnesses to appear for them, as is usually granted to witnesses against them; and that they be allowed peremptorily to challenge thirty-five of the jury." The whigs, in common with the court, loth openly and directly to oppose so equitable and popular a measure, were contented to argue that the security of the subject was best provided for when the best provision was made for the security of the government. And that, therefore, the law ought to continue on its ancient footing, at least till the war should be brought to a conclusion. Amongst those who rose in support of this bill, and particularly that clause of it which allows the assistance of counsel to the parties accused, was lord Ashley, grandson of the great earl of Shaftesbury, and pupil of the famous LOCKE; at this time little known, but at a later period of his life universally admired, and celebrated as the author of "The

Characteristics." Although he had premeditated his speech, it so happened, that, struck with the august presence and deep attention of his auditory, he was disconcerted and unable to proceed. After a pause, recovering from his embarrassment, he converted, by the happiest effort of ingenuity, this incident, so common and trivial, into an argument in favor of the bill irresistibly powerful and impressive. "If I, sir," said this youthful and ingenuous speaker, "who rise only to give my opinion on the bill now depending, and have no personal concern in the question, am so confounded that I am unable to find voice or words to express the least portion of that which I proposed to say, what must the condition of that man be, who, without any assistance, is pleading for his life, and suffering under the immediate apprehensions of being deprived of it?" This sudden appeal to the heart operated more powerfully than the most labored eloquence. The bill passed in a tumult of applause; and it was immediately transferred to the lords, who added to it a clause formerly rejected by the commons: "that to the trial of a peer all the peers should be summoned." Contrary, however, to the hopes of the court, the commons, rather than risque the bill, agreed to the amendment; and the act received the royal assent. The final success of this attempt, after the repeated failures of the patriots

BOOK III. respecting this great point, confirmed anew the maxim of lord Coke, "that seldom or ever any good bill or good motion, which had once been entered on the journals of the house, though it miscarried at first, was wholly lost to the nation."

1695.

**Re-coinage
of Silver.**

The ill state of the silver coinage, which had long been a subject of grievous complaint, was this session taken into the serious consideration of parliament. Such was the depreciation of the current coin, in consequence of the practice of *clipping* and other infamous frauds, that thirty shillings in the common course of exchange were equivalent only to one guinea. A resolution was therefore taken, to call in and re-coin the whole of the silver currency: and though confident predictions were hazarded of the evils that would ensue from the temporary suspension of the usual medium of commerce, the whole project was carried into speedy and successful execution, under the able and dexterous management of Mr. Montague, chancellor of the exchequer, who conducted himself in this difficult business entirely to the satisfaction of the parliament and of the public.

**Extra-
grant Grant
to the Earl
of Portland.**

An affair of a very different nature was nearly at the same time canvassed in parliament, which exposed the king to severe censure, and excited in his breast very sensible chagrin. The earl of Portland, a man highly and upon many accounts deservedly esteemed by the king, but of a dispo-

sition too prone to rapacity and avarice, had received repeated marks of the royal bounty—such as in the opinion of the nation at large were *at least* adequate to his services. This nobleman, to whom the king, indifferent himself to pecuniary concerns, knew not how to refuse any thing, had lately solicited and obtained from the crown a grant, to him and his heirs for ever, of the lordships of Denbigh, Bromfield, and Yale, in the county of Denbigh. This was no sooner made known to the gentlemen of Wales residing in that vicinity, than they determined in the spirit of ancient Britons to resist it to the utmost of their power: and while the warrant was yet pending in the public offices, they petitioned the lords of the treasury for a hearing. This being complied with, sir William Williams, in the name of the rest, represented to the board, “that these lordships were part of the ancient demesnes of the prince of Wales; and always considered by the Welsh nation as inalienable—that in the statute for granting of fee-farm rents, there was a particular exception of the Welsh rents—and it was added that the salaries of the Welsh were payable out of the revenues in question.” Lord Godolphin having asked whether the earl of Leicester had not those lordships in grant to him in queen Elizabeth’s time; sir Robert Cotton answered, “that the earl of Leicester had a grant from the queen of the lordship of Denbigh only—that this

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was so much resented as to occasion an insurrection in the principality, for the part they took in which several of his family had capitally suffered; but that the earl had been compelled in the end to relinquish his grant." Lord Godolphin, after giving the petitioners a patient and candid hearing, declared "that they had offered weighty reasons for their opposition, and that he would not fail to represent them to his majesty." The affair after this was suffered to lie several months dormant: but the grant not being formally revoked, the Denbighshire gentlemen resolved to petition parliament against it; and Mr. Price, himself a member of the house of commons, introduced the petition with a bold and energetic speech, of which a very curious and ample report yet remains. This gentleman, amongst a great variety of observations equally just and forcible, said, "that he would gladly be informed from those who were better versed in prerogative learning than himself, whether his majesty *can*, by the bill of rights, without the consent of parliament, alienate or give away the inheritance or absolute fee of the crown lands. If he can, I would likewise know," said he, "to what purpose was the crown settled for life, *with a remainder in succession*, if the tenant for life can give away that revenue which is incident to the crown?—Can the king have a larger power of disposal over the revenue than over the crown to

which it belongs?—Far be it from me to speak BOOK III.
1695.
in derogation of his majesty's honor—it cannot be expected that he should know our laws who is a stranger to us, and we to him—but it was the province and duty of ministers to have acquainted the king of his power and interest—that the ancient revenue of the crown is sacred and unalienable in time of war and the people's necessities. By the old law, it is part of the coronation oath of the kings of England, not to alien the ancient patrimony of the crown without consent of parliament. But as to those oaths of office, most kings have court casuists enough about their persons to inform them that they have a prerogative to dispense with those oaths, especially when their interest, as it generally happens, goes along with their counsel. It has been the peculiar care of parliaments in all ages to keep an even balance between king and people; and therefore, when the crown was too liberal in its bounties, the parliament usually resumed those grants.—Kings have their failings as well as other men: being clothed with frail nature, and apt to yield to the importunities of their favorites and flatterers: therefore it becomes necessary that the great council of the nation should interpose for the interest of king and people.—And whenever our princes entertained *foreigners* as their counsel or chief advisers, the people of England

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were restless and uneasy until they were removed out of the king's council ; *NAY*, out of the kingdom. We see most places of power and profit given to *foreigners*. We see the revenues of the crown daily given away to one or other, who make sale of them, and transmit their estates elsewhere. If these strangers find themselves involved in an opposition of interests, to whose interests are they most likely to adhere ? I would have us to consider that we are Englishmen, and must, like good patriots, stand by our country, and not suffer it to become tributary to others—if we submit to see our properties given away, our liberties will soon follow." Thrown into a flame by this speech, the house instantly agreed upon an address to the king, framed in very decisive terms, to recall his grant to the earl of Portland ; which the king, not with a very good grace, engaged to do. He declared, " that he had a kindness for the earl of Portland which he had deserved by his long and faithful services—that he should not have given him those lands, if he had imagined the house of commons could have been concerned—he would therefore recall the grant, and find some other way of shewing his favor to him." This was accordingly done ; and in the month of May succeeding, a fresh grant was made to the earl of the manors of Grantham, Dracklow, Pevensey, East Greenwich, &c. &c.

in the several counties of Lincoln, Chester, Sussex, and Kent, together with the honor of Penrith in the county of Cumberland. Of these extravagant donations the parliament did not think proper to take farther cognizance; but the best friends of the king lamented that he should expose himself to such unnecessary obloquy, for the sake of gratifying the insatiable claims of a haughty and rapacious favorite.

The discontent of the commons more conspicuously appeared in an affair of a nature much more important and national. The recent establishment of the Scottish commercial company, with such extensive privileges and exemptions, excited in England both envy and apprehension. At a conference of the two houses, an address to the throne was agreed upon, which had the air rather of a remonstrance than a petition, representing "that by reason of the great advantages granted to the Scots East India Company, and the duties and difficulties to which that trade was subject in England, a great part of the stock and shipping of this nation would be carried thither. By this means Scotland might be made a free port for all East India commodities—and consequently those several places in Europe which were supplied from England would be furnished from Scotland much cheaper than could be done by the English.—And further,

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Remonstrance
against the
Scottish India
Company.

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that when that nation should have settled themselves in plantations in America, the English commerce in tobacco, sugar, cotton, wool, skins, masts, &c. would be utterly lost, because the privileges of that nation granted to them by this act were such, that that kingdom must be the magazine for all commodities—and that by a clause in the said act, whereby his majesty promised to interpose his authority to have reparation made for any damage done to the ships and merchandize of the said company, his majesty did seem to engage to employ the shipping and strength at sea of this nation to support this new company, to the great detriment even of this kingdom.” To this address the king made answer, “ that he had been ill served in Scotland ; but he hoped some remedies might be found to prevent the inconveniences which might arise from this act.”

Marquis of
Tweeddale
dismissed.

As a convincing proof of the king's sincerity in this business, the marquis of Tweeddale, high commissioner, and the two secretaries of state, were indignantly dismissed from their offices, and the seals of secretary given to lord Murray, son of the marquis of Athol. This Scottish act of parliament was a truly unfortunate business, and boded nothing but disaster. It is certain that the marquis of Tweeddale and the discarded secretaries were men of honor and

integrity; but, actuated by a very pardonable BOOK III.
partiality to their native country, they had, 1695.
without sufficient warrant of authority, and
with little foresight of consequences, promoted
and patronized a project which could not in the
nature of things but give extreme umbrage to
the English nation—though it is highly probable
that the act itself was in an abstract view wisely
planned. The infant blossoms of commercial
adventure, which had with such extreme diffi-
culty survived the chilling blasts of the winter of
poverty, required and demanded the fostering
warmth of legislative indulgence to mature and
expand their foliage. Such a competition was
far too feeble to excite any rational alarm. As
well might the stately oak fear to be oversha-
dowed by the trembling osier. In fact, Scotland
could have gained no accession of wealth and
prosperity of which England would not have
been an immediate and almost equal participant.
Not satisfied with the steps already taken, the
house of commons appointed a committee to
examine by what methods this bill was obtained.
The committee having in a short time made
their report, and delivered a copy of an oath *de*
fidei taken by the directors of the Scottish India
Company, it was resolved, “ that the directors of
the Company of Scotland trading to Africa and
the Indies, administering and taking here in

BOOK III. this kingdom an oath *de fideli*, and, under color
 1695. of a Scots act of parliament, styling themselves a company, were guilty of a high crime and misdemeanor: and that lord Belhaven, William Paterson, David Nairne, and eighteen other persons named in the resolution, be IMPEACHED of the same."

On the other hand, when the Scottish nation was apprised that the king had disowned the act for the establishment of their company, it is not easy to describe the indignation which was excited; for they had indulged the most extravagant and chimerical expectations from the success of their project. Instead of the bleak and barren hills of their native land, mountains of gold rose in blissful vision before their eyes; and they resolved, in spite of all the opposition that England could give, to persist in the prosecution of a plan which had now the sanction of law, and which the king, however he might disapprove, could neither alter, suspend, or repeal.

**Dangerous
Project of
the Estab-
lishment
of a Board
of Trade.**

An attempt, though unsuccessful, of a nature too remarkable to be entirely passed over without notice, was made in the course of the present session, in consequence of the mercantile losses lately sustained, to establish a council of trade with extraordinary and independent powers. And the house of commons proceeded so far in the business as to vote, 1st. That a council of

trade should be established by act of parliament, ^{BOOK III.}
with powers for the more effectual preservation ^{1695.}
of the trade of this kingdom. 2dly, That the
commissioners constituting the said council be
nominated by parliament. 3dly, That none of
the said commissioners should be of this house,
&c. And a bill was ordered to be brought in
upon the basis of these resolutions. This project
was greatly disapproved, and warmly opposed
by many of the most respectable and intelligent
members of the house, who joined the courtiers
in affirming, "that the establishment of a council
of trade on such principles must be regarded as a
radical change of the constitution.—They urged,
that the executive part of the government was by
law wholly vested in the king; so that the ap-
pointment of any permanent executive council
by act of parliament began a precedent of
encroachment upon the prerogative, which might
be carried to the most dangerous lengths. It was
indeed alleged that the council would be much
limited as to its powers: yet if the parliament
named the persons, how low soever their powers
might be at first, they would probably be quickly
enlarged; and from being merely a council of trade,
they would be next authorised to appoint convoys
and cruizers. This in time might be extended to
the whole business of the admiralty, and the dis-
posal of that part of the revenue which was appro-

BOOK III. priated to the navy—so that the monarch would
 1696. gradually be reduced to the level of a doge of Venice. To the general surprise, the earl of Sunderland declared loudly in favor of the bill; doubtless to ingratiate himself with the *popular*, or what the cotemporary writers of these times frequently style the *republican*, party; of whom, as the king truly remarked to bishop Burnet, Sunderland, from a retrospect of his past conduct, stood in perpetual fear. William was much displeased with his temporising policy in this instance; but his resentment does not appear to have been very serious or lasting. The arguments urged in opposition to the project in contemplation had probably their weight with the house; as the bill was delayed, and ultimately lost—the attention of the house being forcibly diverted to a less doubtful topic, and of more immediate interest and general concern.

Assassination Plot.

On the 11th of February 1696, a captain Fisher waited on the earl of Portland, to inform him, that there was a design in agitation to seize the person of the king, which was to be followed by a general insurrection in England and Scotland, and an invasion from France—the ships being actually prepared, and a body of troops ready to embark, with king James at the head of them. On his subsequent examination before sir William Trumbull, secretary of state, he con-

firmed this account with many additional circumstances, saying that a commission had been brought over from the late king, authorising this attempt on the person of the prince of Orange, and that more than forty persons were engaged in the said design, which was called "attacking the prince of Orange in his winter quarters." He further declared, that Saturday the 15th instant was the day fixed upon for putting their plan in execution, and that the attempt was to be made on a certain spot between Brentford and Turnham Green, as the king came in the evening from hunting, according to his usual custom: and that, in case of resistance from the guards, he was to be *killed*. But this informer pertinaciously persisting in his refusal to specify the individuals engaged in this plot, the king, who was little subject to alarms, treated the whole story as a fiction, and declared his resolution to hunt in the forest as usual on the succeeding Saturday. But in the evening of the 14th, lord Portland, going late to his apartments at White-
 hall, found a person of the name of Pendergrass, who desired to speak with him on a subject of the highest importance, which could not be deferred: and being admitted to an audience, he accosted the earl in these words:—"My lord, persuade the king to stay at home to-morrow; for, if he goes to hunt, he will be assassinated." He then pro-

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 Information
 of Pender-
 grass.

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ceeded to give a detail, in substance the same with what had been already recounted by Fisher.

This informer acknowledged himself to be "an Irishman and a papist." But he declared, "that when this business was proposed to him, he was struck with horror, and immediately resolved to discover it—that his religion was accused of authorising and encouraging such actions; but that he for his part abhorred such principles, though in all other respects he was a true catholic. And he thought it most advisable to impart it to his lordship, as the person whose zeal and fidelity were fittest to be relied on." Like Fisher, however, he absolutely refused to mention the names of any of the parties concerned in the plot.

The earl of Portland immediately repaired to Kensington, though at a late and unseasonable hour; and, having obtained access to the king, who had retired to rest, informed him of the additional evidence by which the reality of the conspiracy was now confirmed. On hearing this, the king thought proper to alter his resolution of hunting on the morrow. This appears to have excited no alarm amongst the conspirators, as being attributed to accident; and the execution of the design was postponed to the following Saturday. In the interim, a third witness, named De la Rue, came to sir William Trumbull, and discovered not only the particulars of the conspi-

racy as before related, but the names of divers of the conspirators, who were said to be sir George Berkeley, sir William Perkins, Charnock, Parker, Porter, &c. &c. Fisher and Pendergrass, hearing this, consented at length to come forward as legal witnesses. No suspicion being even yet entertained by the conspirators of a discovery, they met at Porter's lodgings, Pendergrass and De la Rue being of the number, on the morning of the 22d; and in the midst of their consultations they received intelligence that the king's hunting was a second time put off; upon which the company fell into a consternation, and talked of treachery: and, after drinking confusion to the prince of Orange, they separated in great confusion themselves.

Warrants being issued the evening of the same day, various of the conspirators were apprehended in their beds. At this critical juncture advices were received from the elector of Bavaria, governor of the Low Countries, that the French troops stationed on the coasts of Normandy and Picardy were in motion, and ships of war and transports assembling in different ports of the channel. It was resolved, therefore, without farther delay, to communicate the whole of this extraordinary business to parliament; and on Monday the 24th of February, the king in an interesting speech

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from the throne apprised the two houses that he had received several concurring informations of a design to assassinate him; and that the enemies of the kingdom were very forward in their preparations for a sudden invasion. The parliament, astonished and inflamed at this intelligence, voted unanimously a most loyal and affectionate address, "expressing their detestation of so villainous and barbarous a design, and their resolution to revenge the same on his majesty's enemies and their adherents." A bill was immediately ordered in for suspending the habeas-corpus act; and the model of an association was immediately drawn, to be signed by the members of the house, nearly in the terms of the address, solemnly declaring that his present majesty king William is *rightful and lawful* king of these realms. Above 400 members of the house signed this association immediately; and an order was made, that all members should sign the same, or declare their refusal, on or before the 16th of March. This was a procedure extremely obnoxious to the high tories and concealed Jacobites. "The distinction of a king *de facto* and a king *de jure* was revived on this occasion; and all the ability of the party was exhausted in their endeavours to shew, both from authority and argument, that they ought not to be pressed on this head; and that compli-

National
Associa-
tion.

since or non-compliance ought not to be esteemed the test of a good subject*." BOOK III.
1696.

In the house of lords, where the same association was proposed, the words *rightful and lawful* were strenuously attacked on the old ground, as not applicable to an elected sovereign; and the earl of Rochester moved, that in the stead of them should be inserted "that his present majesty king William hath a *right by law* to the crown of this realm; and that neither king James, nor the pretended prince of Wales, nor any other person, hath any right whatsoever to the same." This was indeed a very nice and curious, if not rather a senseless and untelligible, distinction: yet it served as a salvo for the honor of the party; and it was wisely adopted by the house, in order to conciliate the more moderate tories, who throughout the kingdom signed the association of the lords, while the whigs adhered to that of the commons. And the originals of both were, conformably to an address of the commons to the king, lodged among the records in the Tower, there to remain as a perpetual memorial of the national loyalty. As a further proof of their attachment to the present establishment, towards the close of the session a bill was introduced with general approba-

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tion, for the better security of his majesty's person and government, which enacted, that such as refused to take the oaths should be subject to the penalties of popish recusants convict; that it should be penal to declare, by writing or otherwise, that king William was not *lawful and rightful* king of these realms; that no person should be capable of any office of profit or trust, civil or military, that should not sign the association; or of sitting in that house after the termination of the present parliament.

On the 27th of April 1696, the king closed the session with a short but gracious speech, in which he "congratulated the parliament that the designs of their enemies had, by the blessing of God, no other effect than to let them see how firmly they were united." Before this period, several of the principal conspirators had been brought to trial; not only De la Rue and Pendergrass, but Porter, Goodman, Harris, and various others, being admitted as witnesses for the crown. The first who suffered was Robert Charnock, one of the two fellows of Magdalen college who in the reign of James had renounced the protestant religion. Sir John Friend and sir William Perkins were tried and convicted soon after. They both persisted in their ignorance of any assassination plot, but acknowledged that they had been present at meetings held for the purpose of con-

Execution
of Char-
nock,
Friend, and
Perkins.

spiring against the government. It was strongly BOOK III.
 urged by the former, that, according to the famous 1696.
 statute of Edward III., a consultation to levy war
 was not treason; and that the being at a trea-
 sonable consult was but a misprision of treason.
 The statute being read in court, lord chief justice
 Holt, a man to whom even the malignity of fac-
 tion did not dare to impute any violation of
 integrity, declared, "that, though a bare con-
 spiracy or design to *levy war* was not within this
 law treason; yet if the design or conspiracy be
 either to kill the king, or to depose or imprison
 him, or put any force or restraint upon him on
 any pretence, and the way proposed to effect
 any of these ends is by levying war, there the
 consultation and conspiracy to levy war is high
 treason, though no war be actually levied." This
 is a construction, however originally forced or
 artificial, so ancient, and so universally adopted
 by the courts of judicature and incorporated into
 their decisions, that no odium can attach to the
 chief justice for stating it as law. And it has
 been so long and invariably acquiesced in by the
 nation and by the legislature, as to acquire in
 equity the force of law, inconsistent as it appears
 with the original intent and meaning of the sta-
 tute. At the execution of these state criminals
 they were attended by three non-juring clergy-
 men, who had the effrontery to give them solemn

BOOK III. ^{1696.} absolution in the view of all the people: for which insult to the government they were committed to custody, but discharged after a short confinement with only a reprimand from the court. One of these clergymen was the celebrated Collier, author of the *View of the English Stage*; a man who to the superstition of a monk added the piety of an apostle, and the courage of a martyr. On this occasion a declaration was signed by the two archbishops, and twelve other bishops, among whom were Crew of Durham, Mew of Winchester, and Sprat of Rochester, containing a severe censure on the performance of this office of the church, without a previous confession made, and abhorrence expressed by the prisoners of the heinous crimes for which they died. To this declaration Collier with undaunted spirit published a reply, "maintaining the absolution to be every way defensible as to matter, manner, persons, and occasion."

The trials of Rookwood, Lowick, Cranbourne, &c. succeeded to those of Friend and Perkins; but afford no circumstances of sufficient moment to arrest historic attention. The great problem to be resolved on inspecting these trials, is how far the late monarch was concerned in that part of the conspiracy which affected the life of the reigning king? From the whole tenor of the evidence, as well as from the confession of seve-

ral of the conspirators, it appears that a commission of an extraordinary nature, written, as affirmed in evidence, by king James's own hand, was delivered by that monarch to sir George Berkeley, to levy war against the prince of Orange and all his adherents. And the conspirators had instructions from the king to obey the orders of sir George Berkeley, an officer of great experience, courage, and address, who was considered by them as the head and chief of the whole enterprise ; and to confer and consult with whom the duke of Berwick had in the preceding winter made a voyage to England, accompanied by the well-known colonel Parker, an active and furious partisan of the late king, who had recently escaped from the Tower. From the uniform and dying testimony of the conspirators, it is morally certain that the commission did not expressly authorise the *assassination* of the prince of Orange: " This," as bishop Burnet observes, " is an odious word, and perhaps no person was ever so wicked as to order such a thing in so crude a manner." Nor is it perfectly clear, that the letter of the commission extended even to the seizure of the person of the prince. None of the crown witnesses pretended to have seen the original commission ; and sir George Berkeley, in whose possession it was, having effected his escape and reconveyed it to France, the transaction is left

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BOOK III. in impervious obscurity. Porter deposed, "that
1696. Charnock told him, Berkeley had a commission from king James to make an attempt on the person of the prince of Orange; which was confirmed to the deponent from the mouth of Berkeley; and also, that he the witness had heard the same thing affirmed in discourse by sir William Perkins, with the additional circumstances, "that he had himself seen the commission; that it was written by the king's own hand, because he would not trust his ministers; and that the purport of it was for levying war on the *person* of the prince of Orange." Blair, another witness, deposed, "that father Harrison a monk, an agent of king James in London, told him, that if the business in hand," *i. e.* the seizure or assassination of the prince of Orange, "miscarried, it would hinder king James from coming." And Blair expressing his dislike of any such attempt, saying "there was no authority for it either from God or man;" Harrison rejoined, "that there was an authority or warrant from king James, which he, Harrison, had seen, though it was not fit every body should see it." Fisher deposed, "that sir George Berkeley proposed to him, in the presence of Harrison the monk, the design of seizing the person of the prince of Orange; and that Harrison had assured him king James had sent orders for executing the design aforesaid; and that sir

George Berkeley had brought over with him the said orders from France." Harris, an officer serving in the late king's body-guard, swore, "that, being in France in the month of January last, he was sent for by the king, who informed him, 'that, being sensible he had served him well, he should send him to England, where he was to follow Berkeley's orders, in which case he would take care of him.' That on his arrival in England, he was ordered by Berkeley to keep close till there was occasion for his service; that after a short interval, repairing by appointment to the lodgings of one Counter, he found several persons there assembled. Sir George Berkeley then coming in, declared 'these were his Janizaries; adding, that he hoped they would bring him the garter;' and talked something about *attacking*—which very much startled the deponent, who till then had heard nothing of the matter*. That on meeting captain Rookwood the next morning, he asked him whether they were to be the mur-

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* "Sir George Berkeley had with him twenty-two men of king James's guards, beside officers. Some came before him, others followed. Strict secrecy was enjoined; and the king declared at his levee, that it was his pleasure none should presume to talk of their departure; and that he would severely punish those who should give him the least occasion to believe they were more curious to enquire into his affairs than zealous to obey his orders." *OLDMIXON*, vol. ii. p. 131.

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derers of the prince of Orange? to which Rookwood replied, he was afraid they were engaged in it. That at another time walking in Red Lion Fields with Lowick, Bernardi, and Rookwood, and considering what a barbarous thing they had to do, Lowick said he would obey orders, adding, 'Sure sir John Berkeley would not undertake it without orders!' Upon which Rookwood often repeated, 'the king had sent him to obey Berkeley's orders:' and both Bernardi and the deponent acknowledged they lay under the same obligation." Upon the whole, it cannot admit of any doubt that sir George Berkeley, who appears to have been in very high favor at the court of St. Germaine's, acted with a perfect understanding of its views, and an entire conformity to its inclinations. The real object of the commission was the *removal* by whatever means of the prince of Orange; and a veil was artfully cast over the villainy of the attempt, by endeavouring to give it the air of a military enterprise. Impartiality, nevertheless, requires the mention that sir William Perkins, in the paper written by him, and left in the hands of the sheriff, contradicts in part the evidence of Porter, in the following words: "I thank God I am now in a full disposition of charity, and therefore shall make no complaints either of the hardships of my trial, or any other rigors put upon

me. However, one circumstance I think myself ^{BOOK III.} obliged to mention:—It was sworn against me ^{1696.} by Mr. Porter, that I had owned to him that I had seen and read a commission from the king to levy war upon the *person* of the prince of Orange. Now I must declare, that the tenor of the king's commission which I saw was general, and directed to all his loving subjects to raise and levy war against the prince of Orange and his adherents, and to seize all forts, castles, &c. But as for any commission *particularly levelled* against the *person* of the prince of Orange, I neither saw nor heard of any such." After all, this distinction is of little importance, for whether the term *person* was expressly mentioned in the commission or not, it seems apparent from the authorised construction of sir George Berkeley, that it was included in the design and spirit of it.

The memoirs composed or corrected by king James contain, notwithstanding, a peremptory denial of this charge. "The king," it is said, "was pressed to make another attempt upon England. He was prevailed upon by conceiving the kingdom to be much better disposed, and the conjuncture more favorable. Before the king entered upon his expedition, he found great difficulties about wording his declaration. Melfort had been dismissed at the solicitations of his friends in England. Middleton, who succeeded him,

BOOK III. was of opinion that the king ought to adhere to
1696. his last declaration. The king left St. Germaine's February 28. The troops intended for the invasion began to draw near Dunkirk and Calais. He was hastened off too soon by the court of France. The alarm was taken before things were ripe, and the intended expedition fell to the ground. Besides the misfortunes common to this expedition with the rest of the king's attempts, it brought obloquy upon him, by its being thought that he was privy to or approved of the design on the *person* of the prince of Orange. Certain gentlemen, thinking to do the king good service by it, combined among themselves. Their first project was to surprise and seize the prince of Orange, and carry him into France. But finding *that* impracticable if they scrupled his life, they were by degrees drawn into a resolution of attacking him as he came from Hampton Court, or from hunting; and if they found no possibility of carrying him off alive, to make no difficulty of killing him. The king was neither privy to this design, nor did he commission the persons, though he suffered most undeservedly both in his reputation and interest. For those unfortunate gentlemen—by *mistaking messages* on the one hand, and their too forward zeal on the other, most of them lost their own lives, and furnished an opportunity to the king's enemies of renewing their calumnies

against him*." It appears by this account, there-
 fore, that the persons concerned in this dark and
 desperate business *imagined* they were acting under
 the sanction of the court of St. Germaine's: and
 it is not easy to conceive how it was possible in
 such a case to *mistake the messages* or instructions
 to which we are necessarily led to infer that they
 meant to conform. The duke of Berwick relates
 "that he was, during his residence in London, in-
 formed by sir George Berkeley of a conspiracy
 which was carrying on against the person," or, as
 he afterwards explains it—for the seizure of the
 person, "of the prince of Orange. The duke hast-
 ened his return to France, that he might not be
 confounded with the conspirators, whose design
 appeared to him *difficult to execute*†." Far, how-
 ever, from disapproving this conspiracy, he de-
 clares that he thought himself bound in honor
 not to dissuade sir George Berkeley from it.
 And on communicating the project to the French
 king at Marli, that monarch gave orders that all
 things should be in readiness to pass over to Eng-
 land in case it should prove successful. It seems
 on the whole too evident that the seizure of the
 prince of Orange's person was, with all the parties
 concerned in this nefarious business, sufficiently
 understood as a phrase nearly equivalent to as-
 sassination. In a cause so sacred as that of the

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* MACPHERSON'S *State Papers*.

† *Memoirs of M. BERWICK*.

BOOK III. restoration of the lawful sovereign, they deemed
 1696. all the common obligations of morality suspended; and with them, as well as with political enthusiasts of a directly opposite description, it appears to have been an axiom secretly cherished as incontrovertible in relation to usurpers, that "killing was no murder."

Great Naval
 exertions.

The government having with such success detected and punished the authors of this daring and dangerous conspiracy at home, the most vigorous efforts were at the same time made to counteract the machinations of the enemies of the nation abroad. Admiral Russel, having with incredible diligence collected a vast fleet of fifty ships of the line, stood over to the French coast, and discovered in the port of Calais between 3 and 400 transports, drawn up close in shore, as also seventeen or eighteen men of war lying among the sands of Dunkirk, which were intended to cover the embarkation. The enemy, astonished at the sudden appearance of the English fleet, instead of continuing their preparations for a descent on the adverse coast, became anxious for the safety of their own. The English admiral, after detaching sir Cloudesley Shovel, an officer of great merit, to bombard the town of Calais, and completely disconcerting the designs of the court of Versailles, returned in triumph to the Downs. King James, after having tarried some weeks at Calais, with a view to embark for Eng-

land as soon as matters were sufficiently ripe, BOOK III.
 now returned disconsolate to St. Germaine's. 1696.
 The troops assembled for the purpose of invasion
 were marched back into the interior of the coun-
 try; and the people of France exclaimed, "that
 the malignant star which ruled the destiny of
 James, had blasted this and every other project
 formed for his restoration."

Early in May 1696 the king of England em- Campaign
in Flanders,
&c.
 barked, as for several preceding years, to take
 upon him the command of the allied army in
 Flanders. Some weeks previous to his arrival, a
 spirited attempt had been made, under the con-
 duct of the earl of Athlone and general Coehorn,
 on a vast magazine of ammunition and military
 stores, which the French had collected at Givet,
 in order to enable them to make an early opening
 of the campaign. Such was the success attend-
 ing this enterprise, that, after a bombardment of
 a few hours, the whole was set on fire, and before
 the close of the day completely consumed; the
 two generals returning to Namur without loss
 or molestation. Vast armies were this year
 brought into the field without any visible end or
 purpose, no offensive operations being attempted
 either by maréchal Villeroi or the king of Eng-
 land; and a more striking proof could not be
 exhibited of the folly of continuing a war at so
 immense an expence, without the prospect, or,

BOOK III. in this mode of conducting it, the possibility, of
 1696. advantage.

The campaign on the Rhine resembled that in Flanders, and consisted wholly of marches and counter-marches, affording no incident which can be supposed to claim the slightest attention of the general historian.

In Catalonia, M. de Vendome, an officer rising into great reputation, who had superseded the duc de Noailles, passing the Ter, attacked and forced the Spanish army under the prince of Hesse Darmstadt, encamped near the town of Ostalric. The Spaniards, however, upon this occasion made a good defence, and a regular retreat under the cannon of Ostalric; so that no farther advantage could be gained over them; and it appeared on this and many other occasions that the state of imbecility into which Spain had for near a century fallen, was owing not to any want of energy in the people, but to the miserable and wretched policy of a senseless and distracted government.

Defection
of the Duke
of Savoy.

The most important event of the present year was the defection of the duke of Savoy, who, finding the leading powers of the alliance still reluctant to meet the advances of France, and at the same time, as Lamberti affirms, secretly apprised by the court of Versailles of the *infal-
lible restoration* of king James in consequence of

the measures then concerted, thought it expedient to provide for his own security by a separate treaty, signed early in the spring, privately and confidentially, at Loretto, to which place the duke had repaired on a pretended pilgrimage; and openly and avowedly towards the close of the summer. The emperor and the kings of Spain and England were highly exasperated at this desertion. One of the conditions of the treaty was to establish a neutrality in Italy, and the consequent evacuation of that country by the confederate armies. To this the courts of Vienna and Madrid refused with disdain to accede; upon which the duke of Savoy, taking upon him the command of the combined forces of France and Piedmont, entered the duchy of Milan, and invested the fortress of Valentia. After the trenches had been opened for thirteen days, a courier arrived with dispatches signifying the consent of his catholic majesty to the proposed neutrality; on which the imperial and French troops retired to their respective countries; and his Most Christian majesty ordered a most solemn Te Deum to be sung at Nôtre Dame for the termination of the war in Italy, and splendid fireworks to be exhibited before the Hôtel de Ville, with the happy device of Alexander cutting the Gordian knot.

In Hungary the imperial armies were again commanded by the elector of Saxony, who dis-

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Conquest of
Asoph by
the Rus-
sians.

tinguished himself as a general rather by his bravery than his military skill and conduct. A fierce but indecisive engagement between the two armies took place August 1696, on a plain bordering on the river Beque; after which a sort of cessation of hostilities seemed to ensue. The attention of Europe was, however, forcibly drawn to this side of the continent, in consequence of the sudden and successful attack made by Peter czar of Muscovy on the Turkish dominions, and the surrender of the important city of Asoph, situated at the mouth of the Tanais, to the Russian arms. The emperor Leopold was eager on this event to conclude a treaty of alliance with the czar; and Europe now for the first time began to entertain some faint idea of the greatness of that power, which was destined to make so distinguished a figure in the transactions of the succeeding century. The talents of the young czar, clouded and obscured as they were by the defects of a barbarous education, already appeared in the view of penetrating observers to bode extraordinary changes and events. His father Alexis, who died in 1675, left three sons, Theodore, Iwan, and Peter, and a daughter, Sophia. Theodore dying in 1682, constituted Iwan and Peter joint sovereigns; and, on account of the imbecility of Iwan, and the tender years of Peter, Sophia was declared regent of the empire. She

was a woman of great courage, address, and ambition. Her administration was violent and bloody; and she harboured the design of seizing on the empire, to the exclusion of her brothers. But Peter, who had now attained to the age of seventeen, with equal sagacity and resolution attacked the princess suddenly at Moscow, defeated her partisans, and, making her a prisoner, compelled her to retire within the walls of a monastery. Iwan dying in the present year, Peter now reigned sole emperor, and soon gave indications of an ardent and aspiring mind, formed for vast and boundless enterprise.

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The court of Versailles having renewed its overtures for peace, and even delegated M. de Callieres to the States General with specific proposals, the maritime powers, alarmed at the defection of the duke of Savoy, seemed at length to lend a serious ear to the propositions of France. And on the 3d of September 1696, their high mightinesses, with the approbation of the king of England, came to a solemn resolution, "that, in consequence of the concessions of France to the imperial demands, matters were now brought to such a crisis, that, in concert with their allies, the mediation of Sweden might be accepted." But Spain and the emperor in haughty terms signified their opinion, that the declarations of France were not yet sufficiently explicit—they insisted

BOOK III. upon the re-establishment of the treaty of Westphalia in all its parts; and they added this extraordinary condition to their acceptance of the mediation, “that the king of Sweden, as guarantee of the treaty of Westphalia, should join his forces to those of the allies, in case France should refuse to accede to the terms proposed.” The prospect of a peace, therefore, was to appearance still very distant; and the king of England, after adjusting measures for the next campaign, returned early in the month of October to England.

State of Affairs in Scotland.

During his absence in the summer, a session of parliament had been held in Scotland—lord Murray, created earl of Tullibardine, presiding as high commissioner. A spirit of loyalty seemed to pervade the whole of their proceedings; the supplies demanded by the court were granted without difficulty; and an association similar to that of England was adopted with equal unanimity.

State of Affairs in Ireland.

Ireland this year sustained a great public loss by the death of the lord deputy Capel. Peace and order seemed, however, in a great measure restored. The government of that kingdom was transferred to sir Charles Porter, lord chancellor, and the earls of Montrath and Drogheda, as lords justices. A session of parliament being held, the association of the English legislature was signed by all the members, excepting one

Sanderson, who was thereupon indignantly expelled the house. BOOK III.
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On the 20th of October 1696, the day fixed for the meeting of the parliament of England, the king acquainted the two houses, "that overtures for peace had been made on the part of the enemy. But," said he, "I am sure we shall agree in opinion, that the only way of treating with France is with our swords in our hands."

In reply to which, the commons presented an address framed in the spirit of Roman magnanimity. Magnanimous Conduct of the Commons. "This is the eighth year," say they, "in which your majesty's most dutiful and loyal subjects, the commons in parliament assembled, have assisted your majesty with large supplies for carrying on a just and necessary war in defence of our religion, preservation of our laws, and vindication of the rights and liberties of the people of England, which we have hitherto preserved, and by the blessing of God on your majesty's conduct and good government will stedfastly maintain, and entail on our posterity. This has cost the nation much blood and treasure: but the hopes of accomplishing so great and glorious a work have made your subjects cheerfully support the charge. And to shew your majesty and all Christendom that the commons of England will not be amused or diverted from their firm resolutions of obtaining by war a safe and honorable

BOOK III. peace, we do, in the name of those we represent,
 1696. renew our assurances to your majesty, that this house will support your majesty and your government against all your enemies both at home and abroad; and that they will effectually assist you in the prosecution and carrying on the present war against France." The king, highly pleased and gratified with these assurances, replied in warm terms, "that the continuance of their zeal and affection was what of all things in the world he valued most; and that he would make the good and safety of the nation the principal care of his life."

**Novel
Operations
of Finance.**

The professions of the commons by no means evaporated in mere words. The estimates of the necessary supplies being laid before the house by Mr. Montague, it appeared that near six millions were wanting for the current expences of the year; and upwards of five millions of floating debt, occasioned by the deficiency of former funds and taxes, were to be provided for. Meeting the embarrassments of the moment with firmness and fortitude, they came to a resolution, "that the supplies for the service of the year 1697, should be raised within the year;" which was effected by a land-tax of three shillings in the pound, and a very heavy capitation tax, in addition to the existing burdens. The arrear of 5,160,000*l.* was provided for by loans

and exchequer bills, which till this time, from BOOK III.
1696. the delay and uncertainty of payment, had suffered an enormous depreciation. But the most vigorous and effectual measures were now taken for the restoration of the public credit. An interest of 7*l.* 12*s.* *per cent.* was allowed upon these bills; they were taken by the government as money, in the payment of all duties excepting the land-tax; and the commissioners of the treasury were authorised by parliament to contract with such individuals or bodies corporate as they thought fit, to exchange these bills or *tallics* for ready money at a certain premium; which was first fixed at ten *per cent.* but afterwards sunk to four; till in a short time, to the astonishment of the public, who had so long seen them at 20, 30, or 40 *per cent.* discount, they rose to *par*, in consequence of these very easy and obvious, but at this period novel and marvellous, operations of finance. There were, nevertheless, those who mourned in secret to see national profusion and extravagance organised into a system, and millions upon millions lavished and dissipated, as if the national wealth could never be exhausted, and the heart's-blood of the public were destined eternally to feed the insatiable vulture of war.*

* "Few people," says lord Bolingbroke, "at this period foresaw how the creation of funds, and the multiplication of

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1666.

Freedom of
the Press
in danger.

So anxious were the commons to retrieve and establish parliamentary and public credit, that they condescended to take very great alarm at a trifling jesting paragraph in a certain periodical paper published at this time, called the Flying Post, expressed as follows: "We hear that when the exchequer notes are given out upon the capitation fund, whosoever shall desire specie on them will have it, at *five and a half per cent.*, of the society of gentlemen that have subscribed to advance some hundreds of thousands of pounds." They voted this passage to be "a malignant insinuation in order to destroy the credit and cur-

taxes, would increase yearly the power of the crown, and bring our liberties by a natural and necessary progression into more real though less apparent danger than they were in before the Revolution.—I am not, however, so uncharitable as to believe that the authors of these measures intended to bring upon their country all the mischiefs that we who came after them experience and apprehend. No: they saw the measures they took singly and unrelatively, or relatively alone to some immediate object. The notion of attaching men to the new government by tempting them to embark their fortunes on the same bottom was a reason of state to some; the notion of creating a new, that is a moneyed interest, in opposition to the landed interest, or as a balance to it, was a reason of party to others: and the opportunity of amassing immense estates by the management of funds, by trafficking in paper, and by all the arts of *jobbing*, was a reason of private interest to those who supported and improved this scheme of iniquity, if not to those who devised it."—*Letters on History*, vol. i. p. 45.

rency of the exchequer bills." They ordered the printer, John Salisbury, to be taken into custody; and gave leave to bring in a bill to prevent the writing, printing, or publishing, any news without licence. And yet, when such a bill was presented by Mr. Pulteney, it was, to the everlasting honor of the house, thrown out before a second reading; because, though they saw the mischiefs of the liberty of the press, they knew not where to fix the power of restraint. This was happily the last attempt ever made to fetter the freedom of the press, that palladium of our liberties. Soon after the Restoration, an act, founded chiefly on the star-chamber decree of 1637, passed, to subject the press to the restrictive power of a licenser; but this, as the celebrated Blackstone observes, "is to subject all freedom of sentiment to the prejudices of one man, and make him the arbitrary and infallible judge of all controverted points in learning, religion, and government. The will of individuals ought to be left free: the abuse only of that free will is the proper object of legal punishment." The licensing act determined in 1679, but was revived by statute in the first year of James II. and continued till 1692, when it was again renewed for two years, and finally expired in 1694, when the press became properly free, as it will now in all probability remain till the constitution of Eng-

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BOOK III. land, already shaken to its centre, shall perish
 1696. with it.*

Case of sir
 John Fen-
 wick.

The attention of the house was for a great part of the session engaged and almost engrossed by a business, which, in the view of distant posterity, can by no means appear of that moment and importance which it accidentally and artificially acquired in consequence of the temporary warmth of political contention. Sir John Fenwick, a man deeply concerned in the late conspiracy, had been apprehended in the month of June at New Romney, in his way to France. He had been accompanied during part of his flight by one Webber, to whom he entrusted a letter to his lady, which was unfortunately intercepted. In this confidential effusion of affection and terror, he said, "that nothing could save his life, but the endeavours of lord Carlisle his brother, the family of the Howards, &c. or else the securing a jury."

* "It seems not more reasonable," says Dr. Johnson, "to leave the right of printing unrestrained, because writers may be afterwards censured, than it would be to sleep with doors unbolted, because by our laws we can hang a thief."—Thus, by a dangerous illusion, are wit and metaphor too often by men of parts substituted for grave and solid argument. In the present instance, the edge of the remark has been with great felicity turned against the remarker, by the counter-observation, "that to suffer no book to be published without a licence is tyranny as absurd as it would be to suffer no traveller to pass along the highway without producing a certificate that he is not a robber."—HAYLEY's *Life of Milton*.

On his examination before the lords of the re-
gency, he resolutely denied the charges brought
against him : but at length the letter was pro-
duced ; the surprise of which so affected him, that
he could not conceal his dismay and confusion,
and no longer persisted in his former protestations
of innocence. Soon after this, on hearing that a
bill was found against him by a grand jury, he
petitioned for a delay of trial, and offered to dis-
cover all he knew, on condition he might have a
pardon, and be excused from appearing as an
evidence. This proposal was transmitted to the
king, then in Flanders, who refused to accede to
it ; and declared, that he would be left at full
liberty to judge both of the truth and importance
of his discoveries. Sir John then, resolving to
throw himself upon the king's mercy, sent him a
paper, in which, after a very slight and unsatis-
factory account of the plots and projects of his
friends the Jacobites, he had the egregious indis-
cretion to bring forward an accusation against
the earls of Shrewsbury, Marlborough, and Bath,
the lord Godolphin and admiral Russel, for hav-
ing made their peace with James, and engaged
to act for his interest. By this imprudence he
made of course the most powerful men in the
kingdom his inveterate and determined enemies
—and the charge having its foundation in truth,
though blended perhaps with some inaccuracies

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BOOK III. and exaggerations, it behoved them to adopt bold
1696 and decisive measures to silence the accuser whose safety he himself had rendered incompatible with their own. "Till the year before the business of La Hogue," says sir John Fenwick, in that fatal confession, which of itself constituted a crime too great for absolution, "we knew only of my lord Godolphin concerned in this government who held a correspondence with him (*i. e.* king James) from the time he went over.—This winter my lord Middleton came to town, who had often been desired to go over (*i. e.* to St. Germaine's), believing it would be of great service to king James to have him there in his business. He alleged he could do little service by going, unless he could engage and settle a correspondence here before he went—that he had entered into this affair with lord Shrewsbury and lord Godolphin already; and there were some others whom he believed he should gain, and then he would go. Soon after captain Floyd, a groom of the bed-chamber to king James, was sent over to him from my lord Marlborough and admiral Russel, with an assurance from them of their interest in the fleet and army, which they did not doubt to secure to him if he would grant them his pardon for what was past. At his return, which was within a month, he acquainted me with some things king James had ordered him, and told me he had no difficulty

in Mr. Russel's affair: but the answer to lord Marlborough was, that he was the greatest of criminals, where he had the greatest obligations: but if he did him extraordinary services, he might hope for pardon.—My lord Middleton, having settled his correspondence, went over in March following.—Sir Ralph Delaval and Killigrew were both engaged to serve king James: their opinion was asked of Shovel; they said, he was not a man to be spoke to, &c.”

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This information was treated with great contempt. The king would not appear to give any sort of credit to it; and an order was issued for bringing him to trial, unless he made fuller and more material discoveries.* But various delays

* No doubt the parties concerned endeavoured to vindicate themselves as well as they were able from these accusations: but the duke of Devonshire, to whom sir John Fenwick read the papers, told him, “that the king was acquainted with most of those things before.”—There is a curious letter extant from Shrewsbury to the king, in the Kensington cabinet, dated September the 8th, 1696, containing protestations of innocence to which it is unpleasant to be obliged to refuse credit. “I want words,” says he, “to express my surprise at the impudent and unaccountable accusation of sir John Fenwick. I will, with all the sincerity imaginable, give your majesty an account of the only thing I can recollect that should give the least pretence to such an invention. After your majesty was pleased to allow me to lay down my employment, it was more than a year before I once saw my lord Middleton. He told me, he intended to go beyond seas, and asked if I would command him no ser-

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intervened; and sir John Fenwick, perceiving how little chance he had of escape from this quarter, thought it necessary to play a new game,

vice. I then told him, by the course he was taking, it would never be in his power to do himself or his friends service; and if the time should come that he expected, I looked upon myself as an offender not to be forgiven.—He seemed shocked at my answer, and never mentioned any thing else to me, but left a message with my aunt (lady Middleton) ‘that I might depend upon his good offices upon any occasion; and in the same manner he relied upon mine here, and had left me trustee for the small concerns he had in England.’ I only bowed, and told her I should always be ready to serve her, or him, or their children. Your majesty now knows the extent of my crime; and, if I do not flatter myself, it is no more than a king may forgive.” In a subsequent letter, October 1696, he craved permission to resign the seals on account of the ill state of his health, and the suspicion he lay under—but to this the king would by no means hearken. Mr. Macpherson, on the authority of the MS. Memoirs of king James, imputes the attainder of sir John Fenwick to a personal enmity of William against him. Macpherson’s Hist. vol. ii. chap. iii.—But, as Dr. Somerville in his History of Political Transactions, &c. justly and judiciously observes, “If the Life of James is admitted as authentic, on the one hand, with respect to every allegation and fact favorable to his own character, and as equally authentic on the other, in establishing every insinuation reproachful to the character of William, it is obvious what the consequence must be, and how unfairly a person trusting to such information must judge of the conduct of James and William.—Had he been prone to resentment, he might have gratified it more extensively and effectually by saving sir John Fenwick, and admitting him as an evidence against those men whose treachery was aggravated by ingratitude; but upon this and many other

and began with great art and assiduity to practise upon the witnesses who were to be produced against him. These were Porter and Goodman, both of them men very obvious to corruption. The first, being the most considerable person of the two, was offered the sum of 600 guineas to bear his charges to France, and an annuity of 300*l.* for life. Porter, instead of accepting these proposals, thought he consulted his interest better in divulging the offers made by the prisoner, to the government. But Goodman, being also tampered with, proved more compliant; and when the time of the trial approached, it appeared that, one of the witnesses having absconded, no legal conviction, as the law of treason now stood, could take place—all collateral evidence, however cogent or satisfactory in itself, being invalid and nugatory: and the prisoner had great reason to flatter himself that he was in a state of perfect safety. But the enemies of Fenwick were far too powerful to suffer him thus to reap the benefit of his own artifices. On the 6th of November 1696, admiral Russel acquainted the house of commons, “that his majesty had given leave to lay before them the several papers which had

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occasions William sacrificed resentment to considerations of prudence and generosity.” In this, as in almost every other instance, Mr. Macpherson’s poisoned shaft misses its mark, and “hits the woundless air.”

BOOK III.  1696. been given in by sir John Fenwick, in the nature of informations against himself, and several other persons of quality; and he desired that those papers might be read, that so he might have an opportunity of justifying himself, or, if he did not, that he might fall under the censure of the house." The papers being read, Fenwick was ordered to the bar of the house, and interrogated by the speaker as to his knowledge of the designs and practices of the enemies of government; being at the same time told, that to make a full and clear discovery was the best and only method he could take to deserve the favor of the house. To this he made a very weak and prevaricating reply—declaring "that he had already, in the hope and prospect of pardon, discovered all he knew, and the answer constantly was, 'This is not satisfactory;'—so that," said the prisoner, "I am where I was. Now, when a man hath told all he knows, and this must still be the answer, it is very hard. I hope I shall not find this from this honorable house: I know this house is good security, if I had it; but till I have it I am under these circumstances, that I may at last be told, 'All is not satisfactory.'" In consequence of this indiscretion, he inflamed the anger of the house by his refusal, and the resentment of the executive government by his implied reproach—reducing himself, by his own statement

of things, to this unhappy dilemma: either he had, previous to this examination at the bar of the house, made a full and clear discovery as he pretended, in which case it was great presumption and absurdity to stipulate for a pardon, when he had nothing fresh to communicate—or, if he had not already made a full discovery, he stood self-convicted of the grossest falsehood and dissimulation, with regard to the court, which would then be entirely exculpated as to any expressions of dissatisfaction or resentment.

A motion was forthwith made, and carried by a great majority, to bring in a bill to attaint sir John Fenwick of high treason; and counsel was assigned him by order of the house. But the bill in all its stages, and in its progress throughout both houses, had to encounter a most unexpected opposition, invigorated by all the animation and eloquence which the rage of faction could inspire. The tories and concealed Jacobites in the house felt that they stood upon high and popular ground; and they improved their advantage with great art and ability. The question resolved itself into two parts: 1st, Whether any deviation from the established and legal mode of proceeding, and the assumption of so extraordinary a power as that of passing bills of attainder on evidence not admissible in the inferior courts, was in any case justifiable? And, 2dly, Whether, if

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Fenwick's
Bill of At-
tainer.

BOOK III. such an arbitrary exertion of authority was ever
 1696. to be vindicated, the case of sir John Fenwick was of so great magnitude as to justify the exercise of it?

Arguments
for and
against it.

The advocates for the bill alleged, that the ordinary and established laws of the land were intended and calculated for ordinary cases; but that there never existed a government where there was not a resort to extraordinary power when the nature of the case required it. The reason why any man deserves to be punished, is because he is criminal, let his crime be made evident in any way whatsoever—whatever makes the truth evident, is and must be held fair and reasonable evidence. Can any innocent man think himself in danger, when he is judged by the representatives of the nation, and the peerage of the realm? If the bill in question established a precedent for punishing a man whose guilt was doubted of, it would indeed be a very ill and dangerous precedent. But, on the contrary, it is in fact a precedent for punishing a man notoriously criminal, who had eluded the justice and dared the resentment of his country. For such a case provision could not be made by fixed and standing laws. The legislature was indeed bound to observe justice and equity as much, if not more than the inferior courts; because the supreme court ought to set an example to all others: but they might

see cause to pass over forms as occasion should require. The constitution of England admitted neither state inquisitions, nor tortures, nor any magistrate vested, like the dictator of the Romans, with unlimited power; and therefore, upon great emergencies, recourse must be had to the supreme legislature. The method of attainders had been practised at all times; and when parliamentary attainders went upon good grounds, they had never been thought to merit censure. Bills of attainder passed in times of violence had indeed been reversed, and so likewise had judgments of the inferior courts. The possible abuse of power is no argument against its just and reasonable exercise. The nation and every person in it must be safe in the hands of a parliament elected by themselves; or, if they are not safe, there is no help for it—the nation must perish, for it is by their own fault. The ancient Romans carried their idea of liberty so high, that by the Portian law no citizen could be put to death for any crime whatsoever. Yet in the famous case of Catiline's conspiracy, as the evidence was clear, and the danger extreme, the accomplices in it were executed, notwithstanding the Portian law. And this was done by order of the senate, without either hearing them make their own defence, or admitting them to claim the right which the

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BOOK III. Valerian law gave them of an appeal to the
 1696. people.

In reply to these arguments the opponents of the bill insisted, that the high court of parliament, though not bound by the forms of law, could not depart from the rules of evidence. Parliament could not alter the nature of things; what was justice and equity in Westminster-hall was justice and equity every where. It had been solemnly determined by a late act, that two witnesses were necessary to prove an overt act of treason. If parliament assume a power of dispensing at pleasure with the laws most essential to the liberty and safety of the subject, who is secure? Sir John Fenwick may not indeed be a good Englishman, yet his cause may be the cause of a good Englishman. Shall it be said that there arises danger to the government from suffering sir John Fenwick to escape in consequence of a deficiency of evidence, and at the same time forget the danger to ourselves, which will be incurred from the conviction of sir John Fenwick under that deficiency of evidence? Is it a proposition to be endured, that the constitution must be weakened, in order that the government may be strengthened? Who is sir John Fenwick, that such alarm and apprehension should be excited in the possible event of his enlargement? Even

the regicides, notwithstanding the notoriety of the fact charged upon them, were admitted to the benefit of a trial by the known laws of the land; and did not suffer without a previous conviction on the fairest and fullest evidence. As to bills of attainder in former parliaments, many no doubt had passed, but not without heavy censure in all cases, where the persons attainted were neither fugitives nor outlaws, but ready personally to appear, and desirous to abide the issue of a regular trial. In the glorious and memorable times of Elizabeth, however, it was remarked that not a single bill of attainder had passed. And though continually harassed with plots and conspiracies, the wisdom of that reign knew how to maintain the honor and safety of the government without having recourse to such odious expedients. We can tell at present on what ground we stand; for by the statute of Edward III. we know what is treason; by the two statutes of Edward VI. and the late act of treason, we know what is proof; and by the statute of Magna Charta we know how we are to be tried—by the law of the land, and the judgment of our peers. But if bills of attainder come into fashion, we shall neither know what is treason, what is evidence, nor how nor where we are to be tried. In a trial of this nature, if it deserves the name, the two characters of judges and jurymen are confounded; there is

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no power of examining upon oath; there is an ultimate power of condemnation, without a correlative ultimate power of acquittal. It is the province and duty of a judge, as lord Coke says, *discernere per legem*. If judges make the law their rule, they can never err; but if the uncertain arbitrary dictates of their own fancies, which lord Coke calls "the crooked cord of discretion," be the rule they follow, endless errors must be the effect of such judgments. Even supposing in the present case sir John Fenwick guilty; the mode of trial being itself iniquitous, his blood is unjustly spilt.

Such is the substance of the arguments used on each side, in the discussion of this celebrated bill; but blended with the bitterest effusions of passion and personality. Sir Edward Seymour closing his speech against the bill with these words: "I am of opinion with the Roman, who, in the case of Catiline, declared he had rather ten guilty persons should escape, than one innocent suffer"—General Mordaunt in reply remarked, "that the honorable member seemed not to recollect that the Roman who made this declaration was suspected of being a conspirator himself." Another member of the house, Mr. Manley, having in relation to the bill with vehemence exclaimed, "that it would not be the first time they had reason to repent making court to the government at

the hazard of the liberties of the people ;" such was the clamor raised against him, that he was by an immediate vote of the house, which refused to accept any explanation, committed prisoner to the Tower. Upon the whole it appeared that the arguments of the opponents of the bill made great impression both in and out of the house. The first division on the motion for leave to bring in the bill was 179 voices to 61: and the bill was finally passed by 169 voices against 156. It was then transferred to the lords, where it occasioned another vehement contest ; and it was ultimately carried on a still closer division of sixty-eight lords against sixty-one ; forty-one of whom subscribed a strong protest against the bill. The impolicy of the whigs was manifest in thus affording their antagonists the tories an opportunity, which they eagerly embraced, of appearing in the advantageous light of the advocates and defenders of the constitution. For, however romantic it may be to deny the abstract principle, that there are extraordinary cases which justify extraordinary deviations from established rules ; yet cannot the concluding observation of the lords' protest be justly controverted, "that sir John Fenwick is so inconsiderable a man, as to the endangering the peace of the government, that there needs no necessity of proceeding against him in this extraordinary manner."

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A circumstance which tends to envelop the evidence of Fenwick respecting the great leaders of the whig party in deeper obscurity is, that the earl of Monmouth had, as we are informed by bishop Burnet, expressed a too vehement concern that he should be mentioned amongst the correspondents of the court of St. Germaine's; but, finding himself secure, he gave secret encouragement to Fenwick to *persist* in his discoveries against the earl of Shrewsbury; and resenting his refusal—Fenwick having already, as he repeatedly asserted, told all he knew—Monmouth made a speech of great length and vehemence in the house of lords, in favor of the bill of attainder. Upon which Fenwick, impelled by anger and revenge, in his turn revealed to the house, on a subsequent examination moved by lord Carlisle at his desire, the base and sinister practices of Monmouth, who was thereupon committed to the Tower, and dismissed from his employments. But he was soon released, with a slight censure only—the king not wishing to have the matter farther investigated. He even spoke to bishop Burnet to do all he could to soften the censure; which he readily complied with, “not knowing,” as he says, “what new scene of confusion might have been opened by him in his own excuse.”

The bill of attainder received the royal assent

early in January 1697: and sir John Fenwick, BOOK III.
 finding that there was no mercy in reserve for 1697.
 him, prepared with fortitude to meet his ap-
 proaching fate; and, notwithstanding the proofs Execution
 of weakness and pusillanimity which he had pre- of Sir John
 viously shewn, he resigned himself to the stroke Fenwick.
 of death with calmness and composure. On ac-
 count of his rank and noble connection, his sen-
 tence was changed to decapitation, which he suf-
 fered on Tower-hill, January the 28th, leaving in
 the hands of the sheriff a paper containing, with a
 denial of some circumstances, a virtual confession
 of the substance of the charges adduced against
 him; and "praying God to bless his true and
 lawful sovereign king James; and to restore him
 and his posterity to the throne again, for the peace
 and prosperity of the nation."

The session of parliament terminated on the
 16th of April 1697, the king declaring, as usual,
 his intention to embark speedily for the conti-
 nent. Previous to his departure, he introduced Advanc-
 the earl of Sunderland, who had long been known ment of
 covertly to influence his councils, once more to the Earl
 a conspicuous station in public life, by appoint- of Sunder-
 ing him to the office of lord chamberlain, vacant land.
 by the resignation of the duke of Dorset. This
 nobleman was at the same time sworn of the privy
 council, and constituted one of the lords justices
 during the absence of the king. The lord keeper

BOOK III. Somers was created a peer, and advanced to the dignity of chancellor of Great Britain ; and admiral Russel was made earl of Orford, and continued to occupy the post of first commissioner of the admiralty, with powers little inferior to those usually vested in a lord-high-admiral.

Negotiations relative to Peace.

The maritime powers being at length seriously disposed to listen to the pacific overtures of France, a joint memorial was presented to the court of Vienna by the ambassadors of England and Holland, early in the present year 1697, to entreat his imperial majesty to accept the mediation of Sweden without reserve, and name a place for holding the congress. In consequence of this proposition, the emperor deigned to signify, in cold and haughty terms, his acquiescence : and the ministers and ambassadors of the allied powers, excepting Spain, who affected to stand aloof, as if able singly to vindicate her own rights and to maintain her own separate interests, being assembled at the Hague, February 1697, M. de Callieres, in the name of his Most Christian majesty, offered to confirm and re-establish the treaties of Westphalia and Nimeguen as the basis of the present pacification ; to restore the city of Strasburg to the empire, and Luxemburg to Spain, or an equivalent for each ; to restore Mons, Charleroy, and the places captured in Catalonia, to Spain, in the state in which they were

taken, and the town and castle of Dinant to the bishop of Liege; to annul all the decrees of re-union made since the conclusion of the peace of Nimeguen; to restore Lorraine according to the conditions of the said treaty; and to recognise the prince of Orange as king of Great Britain. These were great and ample concessions; and such as fully demonstrated the sincerity of the king of France, and his earnest desire to give satisfaction to the different powers of the alliance. The emperor, however, still appeared actuated by sullen and angry discontent. He insisted, in a memorial delivered to M. Callieres, not only on the re-establishment of the treaties of Westphalia and Nimeguen in their full extent, according to the explanation of Nuremberg, but on the unconditional restitution of Lorraine to the duke, of the castle and duchy of Bouillon to the elector of Cologne; and with respect to Spain, to place all things on the basis of the treaty of the Pyrenees. And in a subsequent memorial, delivered April the 10th to the Swedish ambassador as mediator, styled the Ulterior of his Cæsarean majesty, the same extravagant demands are renewed—with the addition of the insulting declaration, “that his imperial majesty would not have consented to accept the mediation at all, if the king of Sweden had not consented to guaranty the preceding declarations of France.”

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Congress
opened at
Ryswick.

The death of the Swedish monarch Charles XI., which happened at this period, did not impede the progress of the negotiation; the ambassador mediator declaring, "that his late royal master had persevered to the last in his purpose of fulfilling the promised guarantee. And feeling the approach of death, he had earnestly recommended the same thing to his successor; and that his majesty now reigning had inherited the same inclinations and attachments, and desired to manifest the same sincerity in all things." The emperor and Spain at length, through the urgent and repeated instances of Sweden and the maritime powers, agreed to open the conferences in form; and the congress was transferred from the Hague to the village of Ryswick, where king William had a palace, which now became the seat and centre of political intrigue and negotiation. There many successive weeks and months passed away in unavailing diplomatic discussion and altercation.

Campaign
in Flanders.

But while the allied potentates affected to give law to France in the cabinet, the armies of that formidable power, taking advantage of these impolitic delays, were successfully exerting themselves in making new acquisitions and conquests. And on the arrival of the king of England in Holland, he received the unwelcome intelligence, that the town of Aeth was invested by the ene-

try, now under the conduct of M. Catinat; the **BOOKS**
 maréchaux Villeroy and Boufflers having the com- **1697.**
 mand of the covering army. The place was sur- **Capture of**
 rendered after a defence not very vigorous, and **Aeth.**
 thirteen days open trenches only. King William
 had now taken upon him the command of the al-
 lied army, which he posted in so strong and judi-
 cious a position, that M. Catinat could gain no
 farther advantage—the campaign being, on the
 part of the king, professedly and entirely defen-
 sive.

The opposite armies lying very near to each
 other, in the vicinity of Brussels, the attention of **Secret con-**
 the public was powerfully excited by the repeated **ferences at**
 interviews of the earl of Portland and maréchal **Halle.**
 Boufflers, who, leaving at some distance their
 trains of officers and attendants, met by agree-
 ment in the plain of Halle, in the sight of the two
 camps; and at the last of these conferences the
 two military negotiators retired to a cottage,
 where they signed the articles previously con-
 cluded on. It was then signified to the plenipo-
 tentiaries at Brussels, that the king of England
 had adjusted his *separate concepts* with France;
 and William immediately retired from the camp
 to his palace at Loo.

What were the precise subjects of the confer-
 ences of Halle, and what the separate articles
 agreed to, have been the subject of much curious

BOOK III. speculation. Bishop Burnet informs us, that the
1697. earl of Portland himself told him, that it was then
and there stipulated, that the king of France
should give the late king James no assistance,
and the reigning monarch no disturbance upon
his account; that James should retire to Avig-
non or Italy; and that the queen's jointure of
50,000*l.* per annum should be paid as to a dowager
—James being considered as dead in law. This ac-
count is corroborated by M. de Torcy, who, on the
authority doubtless of M. Boufflers, says, "that,
for the farther security of his master, the earl of
Portland demanded that this unfortunate prince
should be obliged to remove from France, and to
follow his unpropitious star to Rome, or what-
ever other part of the world he chose." This
condition not being in the sequel complied with
by James, the jointure was of course withheld.
On the other hand, M. Boufflers, as M. de Tor-
cy tells us, insisted that a general act of grace
should be granted to the English who had fol-
lowed the fortunes of king James, and that they
should be restored to the possession of their
estates—also, that none of the subjects of the
French king should be allowed to enter, or to
settle in, the city of Orange; because his majesty
foresaw that the new converts, still attached to
their former errors, would flock to the provinces
bordering upon Orange, and, if leave was given

them, would settle there*. It farther appears BOOK III.
1697. from the Memoirs of King James recently published, that the king of France proposed to the king of England to obtain a parliamentary settlement of the crown after his decease upon the nominal prince of Wales, a child not as yet nine years of age; and that William did not indicate any aversion to restore the prince to that inheritance of which he had been deprived by the extreme, and, in relation to him, unmerited rigor of fortune. The overture made to the English monarch was consonant to the generosity of his nature; and it seemed no less agreeable to the principles of policy than of justice, as it obviated the dangers to be apprehended from a disputed succession: and the king owed no obligation to the princess of Denmark, whose personal interests were of little moment in his estimation. But on the communication of this project to James, he opposed it with great vehemence. He said, "he could not support the thoughts of making his own child an accomplice to his unjust dethronement: he could suffer with Christian patience the usurpation of the prince of Orange, but not that of his own son. Should even the prince of Orange," said the abdicated monarch in a letter addressed to the king of France, "induce the parliament of

* Torcy, vol. i. p. 25.

BOOK III. 1697. England to repeal the act of settlement, it would be always on condition of having the prince of Wales placed in their hands, without their being able to give any security either for his person or his conscience." Most undoubtedly king William could not for a moment entertain the idea of re-instating the prince, but on the condition of his residence in England for the purpose of education;—a concession he could scarcely expect from the known bigotry of James. We have also the authority of the duke of Berwick for this remarkable fact, who, in the *Memoirs of his life**, relates, that on the proposition in question being made by the king of France, the queen, being present at the conversation, would not allow her husband time to answer, but passionately declared, "that she should rather see her son dead than in possession of the crown to the prejudice of his father." The idea of his being educated a protestant filled them with horror; and, persuaded that the acquisition of a temporal, must be attended with the loss of a celestial crown, they declined without hesitation an offer which appeared to them so extremely disadvantageous.

The campaign on the Rhine, on the banks of which vast armies were every year regularly assembled, passed, like several of the preceding

* *Memoirs of the Duke of Berwick*, vol. i. p. 157.

ones, in almost total inaction. The chief effort of the French this summer was made in Catalonia: for the court of Versailles, being fully aware that the pride of Spain was the grand obstacle in the way of peace, was resolved to convince them how unable they were to carry on the war, unsupported by those allies they now affected to neglect or condemn. Towards the end of May the duc de Vendome advanced at the head of a powerful army towards Barcelona; and the Spaniards retiring at his approach, the city was invested on the 12th of June; and the coast being no longer defended by an English fleet, the count d'Estrées, with a squadron of men of war and galleys, at the same time blockaded the port. The prince of Hesse Darmstadt, governor of Barcelona, made a most able and heroic defence; but the place, after a siege of nine months, was compelled to capitulate, and the court of Madrid, by a loss so great and irreparable, was thrown into the utmost consternation.

BOOK III.
1697.
Barcelona
taken by the
French.

Intelligence if possible still more alarming reached them nearly at the same moment. In the beginning of the year the French court had dispatched a squadron from Brest to the West Indies, with a view to seize the Spanish plate fleet. M. de Pointis the commander, finding on his arrival at St. Domingo that the galleons had already reached the Havanna, proceeded to Car-

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1697.

thagena; of which, after a stout resistance, he made himself master, and found in it an immense booty in specie and merchandize, to the amount, as De Pointis says in his account, of eight millions of crowns. The French evacuated the place after demolishing the principal fort, and stood to sea with their plunder. Shortly after he left Carthage he fell in with the English fleet, cruising in those seas, near the Straits of Bahama, and much superior in force. But by favor of the winds he had the good fortune to escape, after a long and dangerous chase.

Victory
over the
Turks at
Zenta.

These events caused the Spanish court extremely to lower the loftiness of its tone, and much facilitated the conclusion of the treaty. The reluctance of the emperor still remained to be surmounted. The campaign in Hungary had this year been in the highest degree glorious to the imperial arms. Prince Eugene of Savoy, already conspicuously distinguished by his talents and conduct in the Italian war, was, by a happy choice, appointed commander in chief of the imperial armies on the Danube. The grand seignor again took the field in person; and his first motions indicating a design of penetrating into Transylvania and the Upper Hungary, prince Eugene advanced by forced and rapid marches to cover the important fortress of Peterwaradin, apparently menaced by the Turks. The grand

seignor, probably despising the youth and inexperience of the new general, halted at Zenta, and threw a bridge over the Theysse, which he passed with his cavalry, leaving his infantry open and exposed to an attack on the other side. The prince in the same moment saw and seized the advantage. Whilst the cavalry were still confusedly passing, and two hours of day-light only remained, the imperial troops came up, and instantly charged the enemy with a spirit and vigor which sufficiently shewed the confidence they felt in their commander. In a short time all was dismay on the part of the Ottomans; and the tokens of an absolute rout became visible throughout the field. Retreat soon changed into flight; and no quarter being given, the carnage was terrible. The bridge, which all endeavoured to gain, was choked up with dead bodies, and thousands threw themselves into the river to avoid the fury of the sword. Of the enemy's camp, and all the tents, not excepting the magnificent pavilion of the grand seignor himself, of all their stores, ammunition, and provision, 130 pieces of cannon, several hundred pair of colours, 6000 camels, 5000 horses, &c. &c. prince Eugene remained master. The grand seignor saved himself by flight, which the night favored: but the grand vizier was killed, and the seal of the empire presented to the conqueror. The age of the

BOOK III.
1697.

OOK III. janizaries and twenty-seven bashaws were found
 1697. also among the dead, the number of whom was
 said to exceed 30,000, including those drowned
 in the Theysse; while the loss of the Germans
 amounted to little more than 2000 men. His
 imperial majesty, on receiving this intelligence,
 immediately dispatched a courier to the States
 General, with a letter written in his own hand,
 acquainting them with the news of this decisive
 action, which he hoped would have induced them
 to retard, perhaps to break off, the negotiation.
 But the measures of their high mightinesses, con-
 certed with the king of England, were unalterably
 fixed; and they received the news of this great
 victory with cold indifference, if not rather with
 secret vexation.

Death of
 Sobieski.

The intrigues of the court of Vienna in Poland,
 at this period, were productive of no less satisfac-
 tion to the emperor than the success of his arms
 in Hungary. One of the most signal events of
 the preceding year was the death of the celebrated
 John Sobieski, king of Poland, whose latter days
 cast a shade over the splendor of his former fame.
 On his demise the kingdom was, as usual, distract-
 ed by the rage of opposing factions. The can-
 didates for the vacant crown were very numerous.
 The duke of Lorraine, the princes of Baden and
 Neuberg, and Don Livio Odeschalcki, nephew
 to the late pope Innocent XI. were amongst

the earliest competitors for this tempting prize; but, finding their weakness, soon withdrew their pretensions: and the contest was then confined to prince James, eldest son of the late king, the prince of Conti, and Augustus elector of Saxony, who was the last to declare himself. The abbé Polignac, ambassador of France at Warsaw, had, by great address and lavishing vast sums of money, secured, as was thought, a decided majority of votes in favor of the prince of Conti. But prince James, perceiving the prospect of success hopeless as to himself, was prevailed upon to throw his interest into the scale of the elector of Saxony, who by this means greatly outnumbered his antagonist the prince of Conti. But the archbishop of Gnesna, primate of Poland, whose office it was to declare the election, being, in the interest of France, protested against the compromise as a collusion, and proclaimed the prince of Conti. Repairing forthwith to the cathedral, he caused Te Deum to be sung for an act which threatened to involve the kingdom in a civil war. On the other hand, the bishop of Cujavia proclaimed the elector king of Poland, and sung Te Deum on the spot; and the new king afterwards made his entry in triumph into Warsaw. The prince of Conti, on his subsequent arrival, found his opponent already in possession of the kingdom; and after a short and ineffectual struggle he was compelled to return full of chagrin and resentment to

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Elector of
Saxony
chosen
King of
Poland.

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France. The elector of Saxony was under the disgraceful necessity of changing his religion, in order to qualify himself to fill the throne of Poland; and from this æra the house of Brandenburg acquired the great political advantage of being regarded as the head of the protestant interest in Germany; while the strength and riches of Saxony were exhausted, to enable the elector king to maintain possession of a crown, which proved to be a crown of thorns.

Memorial
of the
Court of
St. Ger-
maine's.

During the negotiations at Ryswick, the court of St. Germaine's amused itself by publishing a succession of manifestoes, of which no one condescended to take the slightest notice. In a memorial addressed to all the princes and powers of Europe, dated June 8th, 1696, king James solemnly protests against all that should be concluded to the prejudice of his *incontestable rights*.

"We beseech," says this forlorn and abandoned monarch, "those princes to consider how dangerous the example they give may prove to themselves; and that the case of all sovereigns is implicated in ours. We make it our *demand*, that they would contribute to re-establish us in our kingdoms; that they would reflect on the glory they would derive from a resolution so conformable to the interests of those who have an inheritance in their dominions.—In conclusion, he denounces as utterly invalid, all acts which directly or indirectly confirm, authorise, or approve

the usurpation of the prince of Orange, the acts of his pretended parliament, and all others tending to reverse the fundamental laws of the realm touching the order of succession; reserving all his regal rights and claims, which do remain, according to the words of the instrument, and shall remain in their full force, and which no extremity shall oblige us to renounce or compound." James had, through the medium of his ambassador the earl of Perth, solicited the pope to exert his influence with the catholic princes, to prevent any peace being made injurious to his interests, which the ambassador said would be a stain upon his holiness's reputation, and a reflection upon the apostolic chair. The pope acknowledged this to be true. "But what," said he, "can we do? The catholic princes will not hearken to me: they have lost the respect that used to be paid to popes. Religion is gone, and a wicked policy set up in its place. The prince of Orange is master; he is arbiter of Europe. The emperor and the king of Spain are slaves, and worse than subjects to him: they neither will nor dare venture to displease him:"—and here he struck twice with his hand upon the table, and sighed. "If God," said he, "do not by some stroke of omnipotency do it, we are undone!" In a subsequent dispatch the earl of Perth declares it to be scandalous to hear the comparisons publicly made between an here- BOOK III.
1697.

King
James soli-
cits the
good Of-
fices of the
Pope.

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1697.

tical, unnatural, usurping tyrant, and his majesty.

—It is the common conversation at Rome, that the prince of Orange must be a great man, who never gives over, but pushes on, though repelled again and again; and that, at last, such a one must accomplish his designs.*

On the 20th of July, the ambassador of France delivered in a paper of far different magnitude and moment—being the *ultimatum* of that court, which varied very little from the preliminary concessions. And animated by the recent success of their arms, a declaration was made, “that it was to be accepted by the last day of August; or, if not, she should hold herself as much at liberty to recede, as the allies to refuse.” But the count de Kaunitz, the imperial ambassador, protested that he would pay no regard to that limitation. On the 30th of August, nevertheless, the count delivered to the mediator a paper, signifying the concurrence of his court in the terms proposed, but refusing the equivalent offered for Strasburg. Far from making any farther concession, the French ambassador declared, “that the term prescribed for the acceptance of the ultimatum being now expired, all his offers were vacated—that therefore the king of France would reserve Strasburg, and unite it, with all its depen-

* Macpherson's Papers, vol. i. p. 533.

dependencies on this side the Rhine, to his crown for ever—that in other respects he would adhere to the *project*, and restore Barcelona to the crown of Spain ; but that these terms must be accepted in twenty days, otherwise he should think himself at liberty to refuse.” In consequence of this peremptory declaration, on the 20th of September 1697, at midnight, the articles were signed by the English, Dutch, Spanish and French ministers, notwithstanding all the arguments and remonstrances of the Imperial ambassador against it ; and on almost precisely the same conditions which were offered by France eight months before.

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Treaty of
Ryswick
signed.

Notwithstanding the refractory conduct of the court of Vienna, not only was the negotiation between France and the emperor still continued, but an armistice concluded ; and the imperial ambassador at length declared the willingness of the emperor to accept an equivalent for Strasbourg, if to Friburg, Brisac, Kehl, and Philipsburg, already offered by France, were also added Landau, Fort Louis, Saar Louis, and Mont-royal, with a requisition of some farther concessions respecting Lorraine. This extravagant demand being rejected rather with contempt than anger on the part of France, the Cæsarean pride at length condescended to sign the articles of the peace on the 30th of October—the confederate powers having previously stipulated that the

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emperor and the empire should be allowed to the 1st of November to notify their accession to the treaty. In one of the articles of this treaty it was settled, that in the places to be restored by France the Roman-catholic religion should continue as it had been established. The protestant princes of the empire, with the elector of Brandenburg at their head, demanded that the Lutheran religion should be re-instated in its former rights; but this requisition was of no avail, being equally disagreeable to the courts of Versailles and Vienna. They then refused to sign the treaty, and joined in a formal protest against this article. The king of France seemed to value himself not a little upon this proof of his piety and zeal for the interests of the catholic church—for, in his mandate to the archbishop of Paris to cause *Te Deum* to be sung at *Nôtre Dame* on the exchange of the ratifications, he says, “The moment appointed by Heaven to reconcile the nations is arrived. Europe is at peace, The ratification of the treaty which my ambassadors had concluded with those of the emperor and the empire has rendered that peace perfect. Strasburg, one of the principal ramparts of the empire and of HERESY, for ever united to my crown—the Rhine made the barrier between France and Germany; and, what touches me still more nearly, the worship of the true religion autho-

rised by solemn stipulation within the very walls of sovereigns of a different religion, are the advantages of this last treaty.”

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The king of England returned from the continent in the month of November, and was received in the metropolis with every demonstration of loyalty and satisfaction; and addresses of congratulation were presented from every part of the kingdom, on the conclusion of a peace the fair and reasonable terms of which were justly ascribed throughout Europe, not to the moderation and equity of Louis XIV., who had given during his reign so many proofs of unbounded and unprincipled ambition, but to the wisdom, fortitude, and resolution of the king of England, who would listen to no conditions which left France in possession of its insolent claims and unjust encroachments. Even Luxemburg, the favorite acquisition of the Most Christian king, was restored without reserve to Spain, a full equivalent made for Strasburg, and all those *re-unions* in Germany and the Low Countries relinquished, which had formed the original ground for entering into this long and bloody contest. “It excited the astonishment of Europe and the discontent of France, says M. Voltaire, that Louis XIV. should have made a peace as if he had been vanquished*.”

The parliament met on the 3d of December

* Histoire Generale, vol. v. p. 225.

BOOK III. 1697; and the king expressed his satisfaction
 1697. that the war into which he had entered by the
 Session of advice of his people was at length terminated
 Parliament. by an honorable peace. In the course of his
 speech he pronounced the circumstances of affairs
 abroad to be such as to oblige him to declare his
 opinion, that, FOR THE PRESENT, England could
 not be safe without a land force; "and I hope,"
 said the monarch, "that we shall not give those
 who mean us ill the opportunity of effecting that
 under the notion of a peace which they could
 not bring to pass by a war."

This paragraph of the king's speech threw the
 parliament and the nation into the highest fer-
 ment. It plainly indicated the king's pre-deter-
 mination to maintain a standing army in time of
 peace—a thing odious to the friends of freedom;
 and which was in this country unknown and
 unattempted by any of our sovereigns till the
 late reign, when it was directed to the worst of
 purposes. The revival of this execrated project
 was universally ascribed to the earl of Sunder-
 land; who, in the insignificant post of lord cham-
 berlain, acted as first minister—and whose per-
 nicious counsels were, by a strange fatality, with
 no less eagerness embraced by the present than
 the former monarch. The commons in their
 address, which was framed in very high terms of
 respect—congratulating his majesty as having by
 the late honorable and advantageous peace com-

pleted the glorious work of national deliverance—
 preserved a profound silence on this topic. And
 when the question came within a few days to be
 debated in the house, the patriots and anti-court-
 tiers, exerting their united strength, carried, on
 a division of 185 members against 148, of whom
 116 were placemen, a resolution importing that
 all the forces raised since the year 1680 should
 be disbanded. By this vote, the whole number
 of troops to be maintained did not exceed 8000
 men. “A standing army was affirmed to be
 inconsistent with a free government, and abso-
 lutely destructive of the English constitution. A
 STANDING ARMY ONCE ESTABLISHED, WAS ESTA-
 BLISHED FOR EVER: and the records of every
 country and of every age had shewn that the
 establishment of a military force had been ever
 fatal to liberty. A people are no longer free
 when the sword is wrested out of their hands,
 and transferred to an army of mercenaries. If
 the people have not a power within themselves to
 defend themselves, they are no free nation. It
 is an opinion professed by the famous Machiavel,
 and which he undertakes to prove in form, that
 the prince ought not to suffer the people to ac-
 quire the knowledge of arms. No writer, it was
 said, had ever treated on the subject of a free
 government, without expressing his detestation
 of a standing army. ‘Whoever,’ says lord Ba-
 ron, ‘doth use them, though he may spread his

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Vote of the
 House of
 Commons
 for dis-
 banding the
 Army.

BOOK III. acted from the most upright and patriotic motives, to soften the unavoidable harshness of a resolute non-compliance in a matter of so great moment, now granted the king, what he had formerly placed much stress upon, a revenue for life, and raised the civil list to the sum of 700,000*l.* *per annum.*

**Affairs of
the East
India Com-
pany.**

Early in the year 1698, the old contest between the East India Company and the Associated Merchants, who had shewn themselves so eager to supplant them, was revived with undiminished animosity. It had been intimated to the company at one of their general courts, by persons supposed to be in the confidence of ministers, that, in consideration of a loan to be advanced by them to government at a low interest, their charter might now be renewed, and a monopoly of the trade secured to them. Too hastily believing all opposition at an end, they received this proposition with unexpected coolness; on which Mr. Montague, chancellor of the exchequer, set on foot a negotiation with the merchants their antagonists. No sooner was this intelligence conveyed to them, than they made an offer of the sum of 700,000*l.* at the low interest of 4 *per cent.* But the opposite party had already closed with the terms of Mr. Montague, and agreed to advance the sum of no less than two millions at 8 *per cent.* to government,

in consideration of a new charter securing to them an exclusive trade to India; and in the month of May a bill was ordered to be brought into the house conformable to these conditions: BOOK III.
1697.

The existing company, now fully roused, and in the highest degree alarmed, made their appeal to the justice and equity of the parliament, representing "their rights and claims under a succession of charters, particularly the last, no forfeiture of which either had been or could be pretended. They urged the regard due to the property of above a thousand families interested in their stock, especially of the new adventurers, who had subscribed, agreeably to the resolutions of parliament, no less a sum than 744,000*l.* on the credit and faith of the new charter. They alleged that they had expended upwards of a million sterling in their buildings and fortifications in India; that during the war they had lost twelve ships, worth 1,500,000*l.* They stated the great sums they had paid in customs and taxes, and the services they had rendered to government in the circulation of exchequer bills, and in various other respects, which were at the time acknowledged to be seasonable and important. And they observed it was the constant custom in farms, bargains, and offers of the like nature, not to close with a new proposal till the first bidder be asked whether he is able to ad-

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vance farther. For though a power was reserved to the king, by a clause in the last charter, to dissolve the company upon three years' notice, it could never be imagined that this power would be arbitrarily or capriciously exercised ; and no apprehension had been entertained that such dissolution would take place in favor of a set of *interlopers*, but in consequence of some culpability chargeable on the company, or some injury sustained by the nation."

To this the advocates for the new company replied, " that the charter upon which the existing company laid so great a stress was well known to have been obtained by indirect and corrupt means, as the vast sums paid out of the company's stock for *special service*, agreeably to actual depositions at the board of council, and the reports of the house of commons, clearly proved—that the charter was in itself illegal and void, as the persons they were pleased to style *interlopers* had demonstrated before the late queen and privy council—the crown having no power to grant any such exclusive commercial monopoly. That in queen Elizabeth's time a variety of similar patents or charters of monopoly had been, in consequence of the representations of parliament, revoked and cancelled ; and that it was never deemed a breach of public faith, or any derogation from the honor of the crown,

to annul by act of parliament such grants as were thought by the great council of the nation not to be profitable, or to be against the common right of the subject. That, by *deluding* a number of persons into a new subscription to the amount of several hundred thousand pounds in the then condition of the company's affairs, they were guilty of a fraud upon the public; though the subscribers themselves were little entitled to compassion after the repeated warnings they had received. And that it might be presumed, from the severe notice which had been taken of the delinquencies of the directors in parliament, that, if the great affairs of the nation had not been so urgent, they would have had such justice done them as would have effectually precluded all complaints of that imaginary injustice to which they now stood exposed."

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It is material to observe, that from the commencement of this intricate investigation the tory interest greatly predominated amongst the members of the old company, and that the associated merchants were chiefly or entirely whigs; so that this was in fact a political as much or more than a commercial contest. And the different administrations of this reign being themselves composed of heterogeneous materials, the arguments for or against the establishment of a new company were found to be more or less

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convincing, as whigs or tories acquired the ascendancy in parliament or the cabinet. At this period the whigs possessed the chief share of power and influence; and in the business of finance, in particular, Montague, though only chancellor of the exchequer, was much more regarded than lord Godolphin, a tory, who filled, and with great knowledge and integrity, the post of first lord of the treasury. Under the powerful patronage of Montague, therefore, the bill for the establishment of the new company finally passed the house of commons, and was sent up to the lords, where it had the same species of opposition to encounter. The question for the second reading of the bill was carried by 65 voices against 48; twenty-one of whom, with lord Godolphin himself at their head, signed a vigorous protest against it. The opposition had now exerted their utmost strength, and the bill, after passing through the usual forms, received the royal assent.

Such was the popularity of the new act, and such the zeal and opulence of its supporters, that in three days after opening the subscription-books the whole sum of two millions was subscribed, contrary to the prediction hazarded by the protesters; and to the astonishment of foreign nations, to whom this incident furnished a very striking proof, at the termination of a war of

eight years' duration, of the unexhausted and apparently inexhaustible resources of the British nation. There were not however wanting many individuals of clear discernment, who, rising superior to the violence and to the prejudice of party, maintained that it was highly irrational to establish by law *any* corporation of commercial monopolists either foreign or domestic.—“ In the present instance, that the East India company—whether the old or new, made no difference in the argument—constituting in fact only one buyer of all commodities proper for India, and one seller of all brought from thence, will endeavour to make themselves so much masters of the markets in both cases as to buy and sell at their own stated profits; whereas, private free traders, being ignorant of each other's designs, must take the markets every where as they find them: and it is most certain, that from the year 1653 to 1657, while the trade was free and open, the Dutch East India company suffered much by the low prices whereat the Indian commodities were sold by the English merchants. In the late reigns the East India company and the great bankers were thought dangerous to the nation, by the loans of great sums made on the credit of the exchequer only. And in the present reign, the bank of England was expressly restrained by law from lending to the crown other-

BOOK III. wise than on funds granted by parliament, with
 1698. borrowing clauses authorising such loans. But if a new corporation with so great a capital be established free from such restriction, and at liberty, under pretence of extending its commerce, to encrease that capital to any amount, without any umbrage of hazard to the constitution, then may the nation be concluded for ever out of danger from any similar source of political abuse*."

The apprehensions entertained by the most enlightened patriots of this period were but too well founded. Through the medium of the great commercial companies, the creation of that hideous phænomenon, a funded national debt, and the consequent rapid encrease of the national taxes, mortgaged for the payment of the annual interest accruing to the stock-holders, the crown now began to acquire an influence absolutely unknown to the constitution, and which, advancing with an accelerated velocity, has in the course of a century risen to a height threatening at the present moment to involve liberty, property, and the whole system of laws, commerce, and constitution, in one vast and remediless ruin.

Complaint being in the course of the present session made of a book written by William Moly-

* *Vide* LETTER concerning the East-India Trade. RALPH.

neux, esq. of Dublin, entitled, "The case of Ireland's being bound by Acts of Parliament in England," in which the dependence of that kingdom on the authority of the parliament of England was peremptorily denied; a committee was appointed to examine the same. And on the report of the committee it was unanimously resolved, "that the said book was of dangerous consequence to the crown and the people of England, &c."—and an address was thereupon presented to the king, stating the bold and pernicious assertions contained in the aforesaid publication, which they declared to have been more fully and authentically affirmed by the votes and proceedings of the house of commons in Ireland, during their late sessions—and more particularly by a bill transmitted under the great seal of Ireland, entitled, An act for the better security of his majesty's person and government; whereby an act of parliament made in England was pretended to be re-enacted, and divers alterations therein made; and they assured his majesty of their ready concurrence and assistance in a parliamentary way to preserve and maintain the dependence and subordination of Ireland to the imperial crown of this realm; and they humbly besought his majesty, that he would discourage all things which might in any degree lessen or impair that dependence." To which the king

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Arbitrary and oppressive Measures embraced respecting Ireland.

BOOK III. 1698. replied, "that he would take care that what was complained of might be prevented and redressed as the commons desired." Such was at this time the extreme political depression of Ireland, that this haughty procedure of the English parliament excited no visible resentment on the part of the Irish legislature; but a spirit very different has since arisen, which has produced great and momentous consequences. To that spirit alone, operating uniformly respecting its object, though variously as to its modes, in the successive and unremitting efforts of her heroes, statesmen, and patriots; and not to the justice or generosity of Britain, does the Irish Nation owe whatever she at this day possesses of liberty.

The commercial no less than the political jealousy of the English parliament being now awakened with respect to Ireland, a second address, no less extraordinary in its kind than the first, was soon after presented to the king, representing to his majesty, "that, being very sensible that the wealth and power of this kingdom do in a great measure depend on the preserving the woollen manufacture as much as possible entire to this realm, they thought it became them, *like their ancestors*, to be jealous of the establishment and the increase thereof elsewhere, and to use their utmost endeavours to prevent it;—that they could not without trouble observe, that Ireland, which is dependent on and protected by

England in the enjoyment of all they have, and which is so proper for the linen manufacture, should of late apply itself to the woollen manufacture, to the great prejudice of the trade of this kingdom;—that the consequence thereof would necessitate his majesty's parliament of England to interpose, unless his majesty by his authority and great wisdom should find means to secure the trade of England; and they implored his majesty's protection and favor in this matter;—and that he would make it his royal care to discourage the exportation and manufacture of wool in Ireland." To this the king with apparent complacency replied, "that he should do all that in him lay to promote the trade of England, and to discourage the woollen and encourage the linen manufacture of Ireland." Thus by an absurd and barbarous policy was Ireland to be for ever debarred, for the supposed benefit of England, from making use of those advantages which God and nature had so bountifully bestowed. The Irish were indeed permitted to shear their flocks, but neither to export nor manufacture the fleeces. Could any natural calamity operate more fatally than such a prohibition? Even to this Ireland submitted with the silence and patience of the lamb, which "licks the hand just raised to shed its blood." The policy of England in relation to Ireland has

BOOK III. from the earliest æra of its usurped dominion been
 1698. equally unwise and unjust. Far from deriving advantage from experience, the English government has uniformly so conducted itself as to become to the people of that devoted country, the object of fixed and unutterable abhorrence.*

Theologi-
 cal Dis-
 putes re-
 specting
 the Trinity.

The violation of the plainest dictates of social and political morality is very consistent with the most fiery and intemperate zeal for the HONOR OF RELIGION; which is indeed too often regarded as an atonement for moral depravity. In the sad history of the human mind we even see the deepest injuries inflicted by men, blind and bigoted, on each other, on the presumptuous and impious pretence of "glorifying God"—the almighty and beneficent author of a system whose great object and tendency is universal happiness. These reflections naturally arise, from contemplating with philosophic attention the passing series of events. The scholastic disputes of theologians would be too insignificant, and for the most part too absurd, to merit the notice of history, if the occasional interposition of the civil power did not confer upon them an artificial and extrin-

* Quid aliud exitio Lacedæmoniis et Atheniensibus fuit, quanquam armis pollerent, nisi quod victos pro alienigenis arcebant? At conditor noster Romulus tantum sapientia valuit, ut plerosque populos eodem die hostes dein cives habuerit.—TACIT. *Annal.* lib. ii. cap. 4.

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sic importance. This year was distinguished in the annals of the church by a vehement controversy between two divines of profound erudition, Sherlock and South, respecting the mystery of the Trinity—the former of these maintaining the existence of three eternal minds ; and the latter, of three personal subsistences in one divine essence. The two grand combatants could boast on either side a numerous band of partisans and admirers ; each branding the other with HERESY, and hostility to the Christian faith. When noise and nonsense were at the height, and this miserable contention of folly against folly on the eve therefore of subsiding, the king was addressed by the commons, the whole house attending, as on the most solemn occasions, with the speaker at their head, “ to issue his royal proclamation for putting into execution the good laws now in force against profaneness and immorality—and that he would give effectual orders for the suppression of all pernicious books and pamphlets containing impious doctrines against the Holy Trinity.” For there were very many persons, who, finding the learned doctors of the church so much at variance amongst themselves on this subject, ventured openly to deny and reject the whole—affirming that reason and Scripture concurred in teaching that there was but one only living and true God ; that the Trinity was a

Impolitic
Interference of Par-
liament.

BOOK III. popish term, and a popish invention—no traces
 1698. of which were to be found in the genuine canon
 of Scripture.

But the house of commons, not satisfied with what they had already done, enacted, with the ready concurrence of the upper house, “that if any person educated in the Christian religion should deny the same to be true, or the holy scriptures to be of divine authority, or impugn the doctrine of the holy Trinity, he shall be incapable of holding any office or place of trust, and for the second offence be disabled from bringing any action, or from acting as guardian, executor, legatee, or purchaser of lands, and shall suffer three years’ imprisonment without bail.” Thus did this parliament arrogate an authority utterly inconsistent with the first principles of protestantism—which can never rest upon any other foundation than the broad and solid basis of the right of private judgment in matters of religion. If this is relinquished, the church of England herself is guilty of heresy and schism in separating from the church of Rome, which condemns those to the flames who deny the mystery of transubstantiation, with incomparably greater consistency than the protestant church or parliament of England can inflict penalties worse than death on those who reject the mystery of the Trinity.

On the 5th of July, 1698, the king in a hand-

some speech expressed to the parliament the sense he entertained of the great things done by them for the safety and honor of the crown, and the support and welfare of the people. The parliament was then prorogued, and in two days after dissolved, having now sat its full period of three years.

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The power of government was at this era vested chiefly in the hands of lord Somers, lord Orford, and Mr. Montague—a bold and aspiring genius, who had recently attained the summit of his ambition by superseding lord Godolphin as first commissioner of the treasury. He was originally introduced into public life under the patronage of lord Sunderland. In this connection each had his purpose to serve, and the high-spirited Montague quickly learned to throw off his dependence, and rely with confidence on his own resources and abilities for support. The chief alteration discernible in the state of things at court, was the earl of Portland's decline of favor with the king, and the rapid rise of the earl of Albemarle, son of M. Pellant lord of Keppel in Guelderland—a young man of an agreeable person and address, and endowed with all the arts and accomplishments of a complete courtier.

Advance-
ment of
Lord Albe-
marle.

The earl of Portland, like other court favorites, saw this rivalry with extreme uneasiness ; but

Earl of
Portland's
Embassy to
Paris.

BOOK III. his remonstrances served only to excite dislike
1698. and displeasure. The king, however, whose
esteem survived his affection, sent this noble-
man, at the conclusion of the war, on an ho-
norable embassy to Paris, where he displayed; and
was in return entertained with, unusual splendor
and magnificence. The secretary of the embassy
was the celebrated Prior; who passing, as it is
related, through the grand apartments of Ver-
sailles, and being shewn those fine pieces of Le
Brun which represent the victories of Louis XIV.,
was asked by the officer who attended, "whether
king William's actions were also depicted in
his palace?" "No, sir," replied the English-
man, "the monuments of my master's actions are
to be seen every where but in his own house."
The earl of Portland, on his return, finding his
influence over the king in a manner extinguished,
and the star of Keppel predominant, resigned in
unspeakable chagrin the places he had held for
near ten years in the royal household. Sir Wil-
liam Trumbull, his intimate and confidential
friend, had been some months before, superseded
in his office of secretary of state by Mr. Vernon,
a man long conversant in business, and who had
been several years under-secretary to the duke of
Shrewsbury.

The duke of Gloucester, only son of the prince
and princess of Denmark, having now attained

to the tenth year of his age, the king allotted him a separate establishment, appointing the bishop of Salisbury his preceptor, and for governor the earl of Marlborough, who was now fully reinstated in the royal favor. On delivering the young prince into his hands, the king said, "My lord, teach him to be what you are yourself, and I am satisfied."

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It must not be omitted, that Peter czar of Muscovy, whose ardent genius incited him to traverse Europe for the purpose of transplanting the arts of civilisation from foreign countries into his native land, passed several months of the preceding winter in England; but no indications were visible, except to the discerning few, of those great talents which, in the sequel, rendered his name so illustrious *.—"The vulgar,"

Czar of
Muscovy
visits Eng-
land.

* During the residence of the Czar in London, bishop Burnet, as that prelate informs us in his history, "waited often upon him, having directions from the king to offer him such informations of our religion and constitution as he was willing to receive." The account transmitted to us of this great monarch by the learned prelate is very curious and amusing. "He is a man of a very hot temper, soon inflamed, and very brutal in his passion. He wants not capacity, and has a larger measure of knowledge than might be expected from his education, which was very indifferent. A want of judgment, with an instability of temper, appear in him too often and too evidently. He is mechanically turned, and seems designed by nature rather to be a ship-carpenter than a great prince. This was his chief study and exercise while

BOOK III. according to the observation of M. Voltaire,
 1698. "saw nothing in this monarch but his gross
 external demeanour, the effect of a neglected
 education; the legislator, the creator of a new
 empire, the great man, escaped them."

Affairs of
 Scotland. In the course of the summer a session of par-
 liament was held in Scotland; the earl of March-
 mont, lord chancellor, being appointed high com-
 missioner. That kingdom was in a state of great
 and general inflammation, in consequence of the
 steps taken in England in relation to the famous
 commercial bill passed in the former session:
 and at an early period of their meeting, an
 animated representation was presented to par-
 liament by the company, stating "the loss and
 disappointment they had suffered from the with-
 drawment of the English subscriptions; in lieu of
 which they had published similar proposals in
 the city of Hamburg, which had met with extra-

he staid here. He told me he designed a great fleet at Asoph
 and with it to attack the Turkish empire: but he did not
 seem capable of conducting so great a design. He was dis-
 posed to understand our doctrines; but he did not seem
 desirous to mend matters in Muscovy. He is resolute, but
 understands little of war, and seemed not at all inquisitive
 that way;—i. e. doubtless he did not solicit information on
 this topic from the learned prelate: nor perhaps would he
 have questioned an Eugene or a Marlborough upon any
 points of church discipline or doctrine. Burnet, vol. iii.
 p. 806.

ordinary success, 200,000*l.* being subscribed by the merchants there in a very short time. But, to their great surprise, a stop was put to this business, by a memorial delivered to the senate by special warrant from his majesty, not only disowning the authority under which they acted, but threatening both senate and inhabitants with the king's utmost displeasure if they should countenance or join with them in any treaty of trade or commerce. The parliament participating strongly in the feelings of the nation, voted immediately a petition to the king, in which, not content with "humbly entreating," they added "that they did most assuredly EXPECT that his majesty would take such measures as might effectually vindicate the undoubted rights and privileges of the said company, and support the credit and interest thereof." The king being abroad, no answer could be returned previous to the termination of the session; which in the beginning of September was adjourned to the 25th of November: but the company found, to their great chagrin, that no sensible effect whatever was produced by it:

In this interval, the parliament of Ireland also assembled at Dublin. The session passed with no memorable occurrence. Conformably to their instructions from England, the earl of Galway, and the other lords justices, recom-

Affairs of
Ireland.

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1698.

mended to parliament to desist from the prosecution of the woollen manufacture, and to encourage the linen and hempen; the latter of which the commons, in their address, reply "that they shall heartily endeavour; and, with respect to the woollen trade, they tamely express their hope to find such a *temperament*, that the same may not be injurious to England." This *temperament* proved to be nothing more or less than a heavy duty on the exportation of woollens, which, with other subsequent discouragements, effectually crushed that beneficial and growing branch of commerce.

At the latter end of July, 1698, the king embarked for the continent, vesting the government of the kingdom as before, in a regency, of whom the earl of Marlborough was one. Previous to his departure, he left sealed orders with the regents, conformably to which 16,000 troops were to be kept up, though, by a vote of the house of commons, the number was limited to 10,000. But the king gave as a reason, that no determinate number was mentioned in the act, and that the illness of the king of Spain, and the near prospect of his dissolution, made it advisable at the present crisis not farther to reduce the standing military force of the kingdom.

Projects of
the King of
England.

It was now the grand object of the king of England, after all the toils and dangers he had

undergone, by fixing the balance of power in Europe, to establish, and, if possible, perpetuate its tranquillity. The health of the king of Spain was such, that he could not be expected long to survive: and upon whom the succession of that vast monarchy and its appendages should then devolve, became a matter of the most serious and anxious consideration. The emperor claimed the whole as his indubitable right, in the capacity of heir-general of the house of Austria, and nearest in blood of the male line descended from Philip and Joanna, king and queen of Spain: and by one of the articles of the league of Augsburg the maritime powers stood engaged to assist the emperor with all their forces, in the event of the king of Spain's demise, in taking possession of the same. The other great claimant was the king of France, in right of his wife Maria Teresa, eldest daughter of Philip IV., who had indeed, on her marriage, renounced all pretensions to the succession of Spain. But this renunciation was held by the majority of the Castilians to be null and void in itself, as contrary to the rights of nature, and to the fundamental laws of the Spanish monarchy, which maintained the lineal order of succession, without distinction of male or female. It is remarkable that Leopold himself derived his claim from a female stock. For Philip of Austria, the common ancestor of the two branches

BOOK III. of that potent house, reigned in Spain only in right of his wife Joanna, daughter of Ferdinand and Isabella, in whom the kingdoms of Arragon and Castile were united.

1698.

At this period king William was much displeased with the emperor for his haughty and pertinacious refusal to concur in the late treaty. The lofty ideas cherished at the original formation of the league of Augsburg were now by time and experience extremely lowered. It was not to be imagined that the king of France would relinquish his claim without a valuable equivalent; and it could not but occur, on cool and impartial reflection, that the balance of Europe might be nearly as much endangered by transferring the undivided monarchy of Spain to the house of Austria, as to the house of Bourbon. The mind of the king of England being strongly impressed with these ideas, he received with emotions of satisfaction the intelligence imparted by the earl of Portland during his late embassy to Paris, that overtures had been made to him by M. Pomponne and M. de Torcy, on the part of the Most Christian king, for an eventual partition of the Spanish monarchy, with the professed and laudable intention of preventing the revival of those bloody and furious commotions which had been so recently and happily terminated, and to ensure to Europe the blessings of

Overtures
relative to
the first
Treaty of
Partition.

a general and lasting peace. After a short interval the count de Tallard was dispatched to England in order to modify and arrange this project with the king of England in person. The negotiation was in the sequel transferred to Holland, and the plan finally agreed upon at Loo. The terms of this famous treaty were extremely unfavourable to the house of Austria, who were carefully excluded from all knowledge and participation in this transaction, and to whom the duchy of Milan only was allotted as an appanage for the archduke Charles, younger son of the emperor. "It will be a difficult and delicate business," says the king of England to the grand pensionary Heinsius,* "how to communicate this negotiation to the emperor, as it is known beforehand that he will never accede to it." The Sicilies, Sardinia, and all that Spain possessed to the north-eastward of the Pyrenees, comprehending the towns of Fontarabia and St. Sebastian, were to be annexed for ever to the monarchy of France. And Spain and the Indies with the Low Countries, were given to the electoral prince of Bavaria, an infant scarcely seven years of age, whose mother, the archduchess Maria Antonia, was descended from the emperor Leopold by his first empress, Margaret Teresa, youngest daughter of Philip IV.

* Hardwicke Papers.

BOOK III. prince so celebrated for sagacity that the em-
1698. peror would acquiesce in an arrangement so inju-
rious to his interest, and so contrary to his pre-
tended rights? No; it is evident, from the tenor
of his letters to the pensionary Heinsius, that
the king of England did not so far flatter or de-
ceive himself. Would the court of Madrid ever
be prevailed upon to confirm this arbitrary distri-
bution of its territories, equally incompatible
with national dignity and national prejudice?
Could the sincerity of France itself be depended
upon in this business? The court of Versailles had
probably too much political penetration to expect
this project to be peaceably executed. They
hoped by these means to secure the amity, or at
least the neutrality, of England; and any oppo-
sition from the emperor would disengage them
from the obligation of confining themselves, if
successful, within the letter of the treaty. "It
does not appear," says lord Somers, in his elaborate
answer to the king, "in case this negotiation should
proceed, what is to be done on your part, in order
to make it take place; whether any more be re-
quired than that the English and Dutch should
sit still, and France itself to see it executed. If
that be so, what security ought we to expect,
that, if by our being neuter the French be suc-
cessful, the French will confine themselves to the
terms of the treaty, and not attempt to make

farther advantages of their success?" In these BOOK III,
1698. circumstances, a severe but obvious and indispensable duty was imposed on the lord chancellor to represent to the king, in the most energetic language, the pernicious consequences which must inevitably result from this strange and impracticable project; and peremptorily to refuse, at the risque of incurring the utmost displeasure of the king, to transmit the extraordinary, and unconstitutional commission required of him. Even supposing, against all probability, the eventual acquiescence of Spain and the emperor in this treaty, what arrangement more favorable to the interests of France could even the most successful war command, or the caprice of chance devise, than the present, by which so many rich and valuable provinces were incorporated with her empire?

The chief object of the king and kingdom of Spain was to preserve unimpaired, by a simple and absolute devolution to one of the rival claimants, the unity and grandeur of the Spanish monarchy. But the courts of Vienna and Versailles did not for a moment indulge the hope, that Europe would permit the crown of Spain to be held in conjunction either with the imperial or Gallic diadem. The real views and efforts of the emperor were directed to the exaltation of his second son, the archduke Charles; and of the king of

BOOK III. France, of his grandson the duke of Anjou, second son of the dauphin, to the Spanish throne: and it was a maxim universally received amongst the Spaniards themselves, that the empire of Spain could neither be dismembered on the one hand, or absorbed and swallowed up in the vortex of any collateral power on the other. The king of Spain had shewn himself sufficiently inclined to favor the pretensions of the house of Austria, in contradistinction to those of the house of Bourbon; but his vanity was flattered by the adulatory solicitations of the rival powers, and his jealousy alarmed at the idea of an irreversible settlement of the succession; so that his weak and feeble mind, though he had death in near and terrific prospect, could not attain to any resolute and steady decision.

Treaty of
Partition
signed.

The commission under the great seal of England had no sooner arrived, than the treaty was formally signed, October 11th, 1698, by the earl of Portland, and Sir Joseph Williamson, ambassador at the Hague, on the part of the king of England, and on that of the king of France by M. Tallard, in the preamble of whose powers it is said, "that the desire of maintaining the peace of Europe, together with the esteem and friendship which Louis king of France and Navarre had conceived for his most dear and beloved bro-

ther the king of Great Britain, had induced him to enter into closer engagements with his said brother, and to concert with him the necessary measures for preventing such emergencies as might occasion a new war, &c." Such was the surprise and such the delight excited in France when the contents of the treaty were divulged that we cannot wonder at the remark said to be made on the occasion, "*Voici un roi d'Angleterre encore plus commode pour nous que n'estoit le roi Charles !*"* BOOK III.
1698.

The treaty of partition was succeeded by a triple league between England, Holland, and Sweden; not only importing perpetual amity and reciprocal assistance in case of invasion or attack, but professing to guaranty the peace of Europe against all aggressors.

The mediation of the maritime powers, so repeatedly offered, and as often declined or evaded, was at length accepted in form by the imperial and Ottoman courts, and a general pacification, after a negotiation of several months, was concluded January 1699 at Carlowitz; by the terms of which the emperor was allowed to retain all his recent acquisitions and conquests. Russia, Poland, and Venice, the other belligerent powers, successively acceding to the treaty, the former was gratified by the cession of Asoph, Kaminiek Peace of
Carlowitz.
1699.

* Ralph.

BOOK III. was restored to Poland, and the Morea, with
several fortresses in Dalmatia, yielded to the
1699. Venetians. Europe was therefore once more
permitted to enjoy throughout the wide extent of
her kingdoms and empires an universal, but pre-
carious and short-lived, tranquillity.

APPENDIX.

PROCEEDINGS

RELATIVE TO

THE ACT OF UNIFORMITY,

A. D. 1660-2.

THE convention-parliament met April 25, 1660. One of the best and wisest men who ever sat in that or any other public assembly, sir Matthew Hale, moved for the appointment of a committee to review the propositions tendered to king Charles I. during his residence in the Isle of Wight, that the invitation to the present sovereign might be founded on the basis of his late majesty's concessions. Had the question been fairly discussed, there can be no doubt that the motion of sir Matthew Hale, or something analogous to it, must have been carried; but general Monk, who had acted from the commencement of this business with a degree of deceit which it would be difficult to excuse, even if his motives had been much more free from suspicion, now throwing off the mask, stood up and declared himself against all conditions, making those who proposed them responsible for all the mischiefs that might follow.

General Fleetwood, who acted as the head of the independents, though an honest and brave man, and a sincere friend to the liberties of his country, shewed himself upon this great occasion, as indeed upon every other,

utterly unequal to the arduous situation in which he was placed. Monk being determined to restore the king, a determination certainly just and laudable, resolved at the same time to effect his purpose, not in the mode most beneficial to the country, but most agreeable to the monarch, and most advantageous to himself.*

A sort of infatuation seems to have seized the leaders of the presbyterians, who constituted by far the majority of the convention. Many of them relying upon their merit in accomplishing the Restoration, and cajoled by the court party, entertained great expectations of favor and reward. Some who were less sanguine depended on such a liberty as the protestants enjoyed in France ; but others, who were better acquainted with the principles and tempers of the prelates, declared, " that they expected to be silenced, imprisoned, and banished ; but yet they would do their parts to restore the king, because no foreseen ill consequence ought to hinder them from doing their duty,"† so that the most zealous churchman could scarcely carry his ideas of loyalty to a more extravagant or pernicious height. They would neither hear, nor see, nor be persuaded, till it was too late. Of this number was the celebrated Baxter, who, in speaking of the letters of several preachers of the reformed churches abroad, to himself and others, in favor of the king, thus expresses his sentiments : " These divines know nothing of the state of affairs in England ; they know not those men who are to be restored with the king. They pray for the success of my labours, when they are persuading me to put an end to my labours by setting up those prelates who will silence me and many hundreds more.

* Ludlow's Memoirs.

† Baxter's Ecclesiastical History.

They persuade me to that which will separate me from my flock, and then pray that I may be a blessing to them; and yet I am for restoring the king, that when we are silenced, and our ministry at an end, and some of us lie in prisons, we may there and in that condition have peace of conscience in the discharge of our duty, and the exercise of faith, patience, and charity, in our sufferings.*"

In a very short time after the return of the king, viz. about the middle of June 1660, a committee of presbyterian ministers, consisting of the great leaders, Calamy, Manton, Baxter, &c. waited upon the king, being introduced by the Earl of Manchester, to crave his Majesty's interposition for reconciling the differences in the church. They met with a gracious reception, and the king desired them to draw up such proposals as they thought fit for an agreement about church government, promising them a conference in his own presence, with some episcopal divines, when the proposals were ready.

Upon the ground of this promise a general meeting of the presbyterian clergy was summoned to be held at Sion College, and after much consultation they presented an address to the king, in which they allow and recognize "a firm agreement between them and their episcopal brethren in the doctrinal truths of the reformed religion, and in the substantial parts of the divine worship." Then they proceed to say, "that for the matters in difference, church government, liturgy, and ceremonies; first, They do not renounce the true antient primitive episcopacy, and they merely and humbly desire the existing constitution of the church to be modi-

* Baxter's Life, Part II. p. 216.

fied and reformed in certain specified particulars. Secondly, They profess themselves satisfied in their judgments respecting the lawfulness of a liturgy or formulary of worship, but that the book of common prayer is in some things justly offensive, and very much needs amendment. Thirdly, With regard to the ceremonies, they declare the worship of God to be pure and perfect without them; and they expressly except against kneeling at the Lord's supper, the use of the surplice and cross, and bowing at the name of Jesus."

This address was nevertheless, upon the whole, drawn with much good sense, and in a manner very prudent and conciliatory. The king received the divines who presented it very favourably, "and expressed," says the historian Neale,* "a satisfaction in hearing they were disposed to a liturgy and forms of prayer; and that they were willing to yield to the essence of episcopacy, and therefore doubted not of procuring an accommodation."

In a short time the bishops, to whom the address, and a paper accompanying it, was transmitted, drew up a reply which was communicated to the presbyterian clergy July 8, 1660. Being assured of the protection and support of the minister Clarendon, their lordships assumed a very high and haughty tone of language, and taking advantage of the concession of their opponents, that they agree with the episcopalians in the substantial of doctrine and worship, infer from thence, "that their particular exceptions ought not to be stiffly insisted on to the disturbance of the peace of the church."

A rejoinder to this paper, chiefly drawn by the angry

* History of the Puritans.

and acrimonious pen of Baxter, set far distant the prospect of conciliation. The king however, agreeably to that refined and cautious policy which appears to have regulated his conduct at the commencement, and which, during the varied course of his reign, never wholly forsook him, renewed his efforts for this purpose. On the 22d October 1660, a conference took place between several of the bishops and presbyterian divines, at the chancellor's, in the presence of the sovereign, and of the lords Clarendon, Albemarle, Ormond, on the one part, and Manchester, Anglesey, and Hollis, on the other. The king himself acted as moderator, displaying on this occasion his natural good sense and temper. And a declaration expressive of his royal sentiments and intentions was ordered to be framed by the bishops Morley and Henchman, in conjunction with the doctors Reynolds and Calamy: and if they disagreed, the earl of Anglesey and lord Hollis to decide—a strong presumptive evidence of the sincere co-operation of the king.

On the 25th October the royal declaration, excellently drawn, was published, containing large and ample concessions. In particular, the king promised to appoint an equal number of divines of each side to review the liturgy of the church, and to make such alterations as shall be thought necessary; and to dispense with the use of such ceremonies as were offensive to tender consciences. His majesty concluded with “conjuring all his loving subjects to acquiesce and submit to this declaration concerning the differences that have so much disquieted the nation at home, and given offence to the protestant churches abroad.”

Had the presbyterians universally acquiesced in this

declaration, sanctioned by the leaders of their own party, all might yet have ended well. But in a second address to the king of most insufferable length, many of the presbyterian clergy, with the metaphysical and disputatious Baxter at their head, renewed their complaints in a manner which shewed they were little disposed to make concessions themselves, or to accept them on the part of their opponents. Others indeed joined in an address of thanks to the throne, "begging with all humility on their knees," as they express it, "that re-ordination and the surplice in colleges might not be imposed." The king received this address also with complacency, and returned for answer, "that he would endeavour to give them all satisfaction, and to make them as happy as himself."

This was the decisive moment. The king appears to have been sincerely disposed to make good his promise, and upon the terms of the royal declaration, Reynolds, Baxter, and Calamy, were offered bishopricks, Bates and Manton, &c. other high preferments, the first of whom only accepted. Upon this all hope of reconciliation was at an end; and a sudden and fatal resolution was taken to adopt a system of rigour. The lords and commons had concurred in an unanimous address of thanks to the king upon the royal declaration, and a bill founded upon it was ordered to be brought into the lower house, but was negatived by the courtiers on the second reading. The high church party perceiving their power, resolved to carry matters to extremity, and the king was prevailed upon to dissolve the convention-parliament after it had sat about eight months only.

Upon a general review of these proceedings, it most evidently appears that the secession of the presbyterians

was founded upon slight and trivial grounds ; that their ecclesiastical leaders, however unimpeachable their characters, or profound their theological acquirements, were men of narrow and limited minds. After weakly surrendering the political authority of which they were in actual possession, they had the imprudence to irritate their potent and malignant adversaries, the high churchmen, by a petulant and pertinacious opposition to trifles which religious contention only could have magnified into importance. The famous conference of the Savoy was held, pursuant to the declaration of the king, March 1661; but it produced nothing but frivolous and scholastic disputation, carried on in the true spirit of theological rancour. As upon innumerable other occasions, the truly wise and enlightened were compelled to sigh in secret over the follies and frailties of mankind, and a scene of persecution soon ensued, which, under colour of law, gave full scope to those religious barbarities which exhibit human nature in its most odious and disgraceful form.

It may be subjoined by way of historical illustration, that the term "presbyterian" was throughout these disputations indiscriminately and reproachfully applied to all those, as Baxter himself observes, "who were for episcopacy, and a liturgy, if they conformed not so far as to subscribe or swear to the English diocesan frame, and all their impositions." The earl of Manchester, the earl of Anglesey, and the lord Hollis, were called presbyterians, when I have heard them," says the historian, "plead for moderate episcopacy and liturgy myself, and they would have drawn us to yield farther than we did." The king himself, in his justly applaud-

ed declaration of the 25th October (1660), says, "We must, for the honour of all those of either persuasion with whom we have conferred, declare that the professions and desires of all for the advancement of piety and true godliness are the same; their professions of zeal for the peace of the church are the same; they ALL approve episcopacy, they ALL approve a set form of liturgy."

What chiefly contributed in all probability to disgust the king, and to cause him finally to acquiesce in the measures of violence urged by the bishops and the chancellor, was the inflexible resolution of the presbyterians, or the party so denominated, not to give any countenance to the toleration of the catholics, which the king had extremely at heart. During the conference at Clarendon-house, the chancellor, by order of the king, read a clause as an addition to the declaration, viz. "that *others* also be permitted to meet for religious worship, so it be they do it not to the disturbance of the peace." This request, made to men who wore themselves soliciting favours, and made in behalf of men like themselves, exposed to the fury of religious persecution, might surely have been deemed reasonable, even if it had not been the personal request of the monarch.

After a pause, Baxter, the most popular leader, as well as the most admired orator of the party, said, "we distinguish the *tolerable* parties from the *intolerable*, such as the papists and socinians: for the former we crave just lenity and favour, but for the latter we cannot make their toleration our request." The king chagrined, replied, "there are laws enow against papists;" upon which Baxter made answer, "we understand that the question is, whether those laws shall be executed?"

Such is the fascination of bigotry and prejudice, and such, in innumerable instances, the intolerant spirit of those who have every thing to dread from the intolerance of others !

The act of uniformity passed by a vast majority of voices in the new parliament, with circumstances of even wanton cruelty and aggravation ; and the non-conformists for a long series of years suffered under every species of persecution short of burning at the stake ; and, indeed, to perish slowly and silently in prison, as hundreds and probably thousands of them did in the course of this profligate reign, is the worst and most detestable mode of torture.

R E M A R K S

ON THE CHARACTER OF

THE EARL OF SUNDERLAND.

A. D. 1688.

THOUGH no direct or positive evidence can perhaps be produced in proof of the earl of Sunderland's treachery to king James, and of the correspondence mediate or immediate which he maintained with the prince of Orange, yet the presumption against him are so numerous, and so strong, as to have excited an almost universal belief of his systematic deceit and hypocrisy.

The political character of this nobleman appears indeed to have been, from his first entrance into public life, very profligate. From a violent exclusionist he had suddenly become a most servile and obsequious courtier; and at the very commencement of the reign of James II. he was found the most willing and able instrument in carrying on the schemes and projects of the court. So early as the month of July 1685, M. Barillon wrote to Louis XIV. that lord Sunderland had avowed to him the king's design of "establishing the catholic religion; and that he could not, consistently with good sense and right reason, have any other end in view:" adding, "that another thing was equally certain, namely, that this project could not succeed but by maintaining the strictest confidence and connection with France." *

* July 16, 1685. "Milord Sunderland m'a dit, je ne sçais pas si on voit en France les choses comme elles sont ici, mais je défie ceux qui les voyent de prés, de ne pas connoître que le roi mon maître n'a rien dans le cœur si avant que d'établir la religion catho-

Conformably to this declaration, M. Barillon informs his sovereign that lord Sunderland held frequent conferences at his own house with the earl of Powis and other catholic lords, in relation to this subject. The king of France was convinced, by the representations of his ambassador, that Sunderland was really attached to his interest, as inseparably combined with that of his own sovereign, and in consequence of his good services he allowed him a very considerable pension.

It appears indeed probable, that for the first two years of the reign of king James, lord Sunderland, foreseeing no likelihood of a change in affairs, was faithful to his trust, and it will easily be admitted, that from his superior political sagacity he would use his influence for the most part to moderate the violence of those counsels by which the king was habitually guided. It is certain, however, that if his opinions were adverse to the system of violence, his practices were conformable to it; and that he was an active and principal agent in carrying into execution, so long as he remained in power, the most obnoxious measures of the court. A remarkable anecdote related by lord Dartmouth, in his notes on Bishop Burnet's History, seems to indicate at one period a degree of elation on the part of the earl of Sunderland which could result only from the firmest confidence in the ultimate success of the court projects. After the open violence practised on the corporate boroughs with

lique; qu'il ne peut même selon le bons sens et la droit raison avoir d'autre but. Il y une autre chose certaine, c'est que ce plan là ne peut réussir que par un concert et une liaison étroite avec le roi votre maitre."

Dubrymple's Appendix, part I.

a view to secure the majority of votes in a new parliament, lord Sunderland declared publicly at his own table that they were now sure of their game, for it would be an easy matter to have a house of commons to their minds, and there was nothing else to resist them. Lord Bradford asked him if they were as sure of the house of lords, for he believed they would meet with more opposition there than they expected ? Lord Sunderland turning to lord Churchill, who sat next him, in a ludicrously contemptuous tone, exclaimed, " O Cilly ! why your troop of guards shall be called to the house of lords."

The suspicion of insincerity, and much less of absolute treachery, does not seem to attach to this nobleman till the spring of the year 1687, when the nation was thrown into a high ferment by the declaration of indulgence published April 4th ; the same Gazette also containing a prorogation of parliament to a distant period. The test laws being virtually abolished by the declaration, the mask was thrown off, and the design of introducing popery almost openly avowed. This was a situation of affairs which might well awaken the apprehensions of a minister, much less wary than Sunderland, for his own safety. At this crisis, Dykvelt, a man of great capacity and address, and high in the confidence of the prince of Orange, was sent as envoy to England, entrusted with the secret sentiments of the prince, and he entered, as appears, into an immediate and unreserved intercourse with persons of the most distinguished rank and reputation ; many of whom, as the earls of Danby, Nottingham, Shrewsbury, &c. wrote letters to the prince, expressive of their reliance upon his efforts to

rescue the nation from the dangers, civil and religious, which impended over it. Among the rest, M. Dykvelt was admitted to a confidential intercourse with the Earl of Sunderland, and that minister wrote as the result of it (May 28, 1687) a short letter to the Prince of Orange, in which much more appears to be meant than at first meets the ear. "I received," says his lordship, "the honor your highness was pleased to do me by M. Dykvelt, with all the respect I owe and will ever pay to your commands, which I shall on all occasions exactly obey. He is too well informed of every thing here to pretend to give you any account of what has passed since his coming, and if he does me right, as I doubt not he will, he must assure your highness that no man in the world is with more respect and submission," &c.

Without straining the inferences deducible from this letter too far, it seems sufficiently clear, notwithstanding the very guarded manner in which it is expressed, 1st, That lord Sunderland had, at the suggestion of the prince, opened his mind very freely to M. Dykvelt. 2dly, That he was well aware of the purpose for which Dykvelt was sent into England, and of the accurate information which he was qualified to give to the prince. And 3dly. That lord Sunderland had made such avowals and declarations to the Dutch ambassador, as he was confident would be satisfactory to the prince. Had lord Sunderland determined at all events to maintain his fidelity to the king, knowing the very ill terms on which the king and the prince at this time were, he never could have chosen to express himself in language of such high and unnecessary compliment, as to assure the prince, "that he would on *all* occasions *exactly* obey

his commands." From this period the earl of Sunderland seems to have acted with a duplicity which gradually, and in consequence of the pressure of circumstances, rose to the most artful and refined treachery. The presumptions upon which this opinion is founded are as follow. In June, (1687) lady Sunderland wrote a letter to the prince of Orange earnestly exhorting him not to consent to the repeal of the test laws, which lord Sunderland at the very same time was avowedly employing every effort to accomplish. It appears also that lady Sunderland had for some time past kept up a correspondence with Henry Sidney, uncle to lord Sunderland, who resided in Holland, and was in high favor with the prince. Upon all the late political questions she had indeed affected to appear as a zealot in the cause of protestantism, and wholly adverse to the designs in which her husband took so great a part. But her character was that of a political intriguer, and a very good understanding under this artful veil, as there is strong reason to believe, subsisted between her and her lord. Had not lady Sunderland's letter been written at the suggestion, and with the concurrence of that wily statesman, it must have appeared to the prince as mere impertinence, and lady Sunderland herself, who possessed a great share of sense and shrewdness, knew the prince's character too well to doubt of this. The pretended misunderstanding between lord and lady Sunderland seems to have obtained little or no credit in the world. The princess of Denmark, writing to her sister the princess of Orange, March 1688, says, "You may remember I have once before ventured to tell you that I thought lord Sunderland a very ill man, and am more confirmed every

day in that opinion. Every body knows how often this man turned backwards and forwards in the late king's time, and now to complete all his virtues, he is working with all his might to bring in popery. This worthy lord does not go publicly to mass, but hears it privately at a priest's chamber, and never lets any body be there but a servant of his." Lady Sunderland she styles "a flattering, dissembling, false woman. To hear her talk you would think she were a very good protestant. It is certain that her lord does nothing without her." And in a following letter she says, "Lady Sunderland runs from church to church after the famousest preachers, and keeps such a clatter with her devotions, that she really turns one's stomach. Sure there never was a couple so well matched as she and her good husband, for she is throughout in her actions the greatest jade that ever was, so he is the subtlest workingest villain that is on the face of the earth."

Lord Clarendon in his diary declares without reserve, "that lord Sunderland imparted the king's secrets to his uncle, Henry Sidney, who resided with the prince, and lady Sunderland to the princess of Orange." Dalrymple, vol. i. About the close of the year 1687, Skelton, envoy at Paris, suggested to the French court his suspicions that lord Sunderland was secretly in the interest of the prince of Orange; upon which Barillon received orders to watch him narrowly. In his dispatches to Louis XIV., particularly that of January 5, 1688, this minister, indeed, absolves Sunderland from the imputation of treachery; but it seems evident that Barillon was completely duped by him. "It remains for me," says the ambassador, "to give your majesty an account

of what relates to the suspicions, which M. Skelton thinks may fall upon lord Sunderland, of a secret connection with the prince of Orange. I have discovered nothing that can make it believed: on the contrary, I see that this minister engages himself every day more in whatever can be most opposite to the interest of the prince of Orange, and that he holds a conduct inconsistent with the design which it is pretended he has to keep measures with him. He is the person who, for a long time past, has ardently pressed all the resolutions which have been taken in favour of the catholics. He pursues with firmness whatever can lead to the abolishing the penal laws and test, which is what the prince of Orange fears the most. *I know* that he is resolved to declare himself a catholic whenever the king, his master, will have him." So satisfactory was this account to the French court, that a large pecuniary gratification, in addition to his pension, was bestowed by Lewis on the English minister. In his dispatch of July 8th, following, M. Barillon says, "My lord Sunderland has declared himself openly a catholic. The king of England has testified much joy at this. There has been for these two days past great talk at court respecting what lord Sunderland has done, and it is believed that his Britannic majesty will avail himself of it for the purpose of urging other persons who are attached to him to do the same thing. My lord Sunderland has made no new abjuration of heresy, having done this more than a year ago in the presence of father Petre."*

* "Milord Sunderland s'est déclaré ouvertement catholique. Le Roi d'Angleterre en a témoigné beaucoup de joie. On parle fort à la cour depuis deux jours de ce qu'a fait milord Sunderland,

The suspicions of Skelton were by no means abated in consequence of the credulity of Barillon ; and they were strongly corroborated by the concurring opinion of M. D'Avaux the French ambassador at the Hague, a man of talents far superior to Skelton, and whose advices to England respecting the danger impending from Holland were, as he complains, treated by Sunderland as altogether visionary. King James himself, in his diary, tells us " that it was not till the middle of September that he began to give any credit to the advices from Abbeville of the prince of Orange's design. Sunderland persuaded him it was impossible, and turned any body to ridicule that seemed to believe it."

That monarch even affirms lord Sunderland to have received a pension from the prince of Orange at the very time he was allowed another from the king of France. M. D'Avaux's famous memorial to the states general of the 30th August (1688), was represented by lord Sunderland to the king "as a French stratagem. He had still credit," says the monarch, "to arraign this step as affording the Dutch a pretence to arm and alarm England with a French alliance against their religion." The king in consequence disavowed the memorial, and Skelton, who had suggested it, was, in reward of his zeal, recalled and sent as a prisoner to the Tower.

The court of Versailles frequently expressed its astonishment to Skelton, at the obstinate refusal of James to

et on croit que sa majesté Britannique s'en servira pour presser d'autres gens qui sont attachés à lui de faire la même chose. Milord Sunderland n'a point fait de nouvelle abjuration de hérésie, l'ayant faite il y a plus d'un an entre les mains du pere Petres."

Dalrymple's Appendix, part 2, p. 288.

accept of any aid from France, and there is reason to believe that Louis XIV. was himself for some time previous to the invasion of England by the prince of Orange, fully convinced of the treachery of Sunderland. Skelton had transmitted repeated advices to lord Sunderland of the preparations making in Holland, and of the designs of the prince, but no notice was taken of them. On the 18th of September Barillon writes to his sovereign that he had been a long time in conference with lord Sunderland; but that this minister retained, in common with the king his master, their former opinion, that the prince of Orange had no design upon England, and that if he attempted a descent, no person of property would join him."* It is easy to conceive that the king's presumption and folly might render him an easy dupe to the artifices of Sunderland; but that the minister himself, a man of unquestionable ability, should be so deceived, even had the nature of Dykvelt's commission been unknown to him, seems scarcely within the limits of credibility.

Lord Dartmouth relates in his notes on bishop Burnet's History, " that the duke of Chandos told him, as a

* "Sept. 2, (1688.) Ce ministre (Sunderland) paroit persuadé que le prince d'Orange n'osera entreprendre une descente. Septembre 6, sa majesté Britannique et ses principaux ministres ne croient point que M. le prince d'Orange ose faire une descente en Angleterre. Septembre 18, J'ai eu un long entretien avec milord Sunderland; son sentiment est semblable à celui du roi son maître. Ils ne croient ni l'un ni l'autre, que M. le prince d'Orange ait dessein de faire une descente en Angleterre; et ils s'imaginent que s'il la fait, aucun homme qui ait quelque bien ne se déclarera pour lui."

Dalrymple's Appendix, part ii,

thing he knew to be true, that the king of France wrote to king James to let him know he had certain intelligence that the design was upon England, and that he would immediately besiege Maestricht, which would hinder the states from parting with any of their force for such an expedition.; but the secret must be kept inviolable from any of the ministers. Soon afterwards, the states ordered 6000 men to be sent to Maestricht, upon which the king of France desired to know of the king of England if he had revealed it to any body; for he himself had to none but Louvois, and if he had betrayed him, he should treat him accordingly. King James's answer was, 'that he never told it to any but lord Sunderland, who, he was very sure, was too much in his interest to have discovered it.' Upon which the king of France said, he saw plainly that king James was a man cut out for destruction, and there was no possibility of helping him."* The same anecdote is related with little variation on the same authority, by Mr. Carte.†

The earl of Middleton, a man of sense and probity, and possessing the best means of information, declares, of lord Sunderland at a subsequent period, "that he had always been the first to deceive, and the first to betray."‡ Lord Sunderland himself, in his traitorous correspondence with the court of St. Germain's, after the Revolution, virtually acknowledges the justice of the opinion entertained of him; for he declines entering into particulars, because "he fears that his majesty does not confide suffi-

* Dalrymple's Appendix, part ii. p. 288.

† Macpherson's Papers, vol. i. p. 268.

‡ Letter to the Marquis de Croissy, March 1695. Macpherson, vol. i. p. 523.

ciently in his advice. But when he is assured that the king is satisfied with his fidelity, he promises to send good intelligence, and to contribute as much as he can to his majesty's service."* The meaning of this evidently is, that he is desirous to compensate for his past perfidy, which he attempts not to deny, by his future services. Not that his sincerity could be more depended upon at this than at any former period ; on the contrary, his real sentiments were probably at all times favorable to the prince and adverse to James ; but his own interest, and his own safety, were ever uppermost in his mind, and incited him to the systematic practice of all the base and degrading arts of deceit and dissimulation.

At length king James himself, upon what specific evidence does not appear, became perfectly convinced of the perfidy of lord Sunderland, and on the 28th of October, (1688) he was suddenly dismissed from his offices with such marks of the royal resentment, that, as he himself acknowledges in his vindication, he thought his head to be in danger ; an apprehension he never could have entertained, had he not been conscious of his own guilt and treachery. M. Rapin intimates that he was supposed to have concealed several of Skelton's letters from the king, and that this being discovered was the immediate cause of his disgrace. He said in his excuse, "if he gave no account of these letters to the king, it was because Skelton never wrote but second-hand news."†

Upon the success of the prince, lord Sunderland retired into Holland, and being arrested in that country,

* Letter to the Marquis de Croissy, March 1693. Macpherson, vol. i. p. 474.

† Rapin, vol. ii. folio, page 771.

was released by the express order of the prince. On the 8th of March, 1699, he wrote from Amsterdam a letter to the prince, now king, congratulating him upon his accession to the throne. "If I had not," said the ex-minister, "followed the advice of my friends, rather than my own sense, I should not have been out of England at this time, for I thought I had served the public so importantly in contributing what in me lay to the advancing of your glorious undertaking, that having been in an odious ministry ought not to have obliged me to be absent. But nothing makes me repine so much at it, as that I could not give my vote for placing your majesty on the throne." In a subsequent letter to the king, dated March 11th, this nobleman says, "however unfortunate my present circumstances are, I have this to support me; that my thoughts as well as actions have been, are, and I dare say ever will be, what they ought to be to your majesty. Long before your glorious undertaking, I cannot but hope, you remember how devoted I was to your service."

In what mode lord Sunderland could have contributed to the success of the prince's undertaking, or have displayed his devotion to the prince's service, excepting by his artful efforts to dupe and deceive the late monarch in regard to the reality of the design of invasion, and consequently to prevent his taking those timely and necessary precautions which common sense pointed out, in order to counteract the danger, seems impossible to conjecture, and it is what no historical investigation has hitherto been able in any degree to ascertain.

Upon the whole it is too clearly manifest, that the earl of Sunderland was a man utterly destitute of moral

or political principle. So long as he conceived that the nefarious designs of the monarch, whom he served, were likely to prove ultimately successful, he appeared zealous and active in his endeavours to promote them ; and if he occasionally inculcated milder and more moderate counsels, he never scrupled to acquiesce in the most violent measures, or to assist in carrying them into execution. When the folly of the king became at length so egregious as to induce a suspicion, and by degrees an expectation of some calamitous catastrophe, he entered into secret intrigues with his enemies, with a view merely to his own eventual security : for there exists not the slightest proof or presumption, that in case of the relinquishment or failure of the prince of Orange's design, he would have changed, in any degree, the tenure of his conduct, or have ceased to enforce the most exceptionable measures by the most exceptionable means. Thinking it probable that the invasion would succeed, but possible that it might not, he gave his secret assistance to the prince, while he cajoled the credulous monarch by the most plausible professions, and all the subtile artifices of courtly dissimulation ; thus dexterously contriving to preserve his credit with them both, and providing not only for his safety, but even for his future views of interest and ambition, whatever might be the result of the great and hazardous projects at this crisis in contemplation.

BILL OF RIGHTS.

A. D. 1689.

ON the 13th of February 1688-9, the two houses of convention went in state to the palace of Whitehall, where the prince and princess of Orange being seated under a canopy at the upper end of the Banqueting-house, and the members being admitted and properly disposed, the clerk of the crown, with a loud voice, read the declaration previously agreed upon, which subsequently receiving the royal assent, and becoming a fundamental law of the realm, has long been known and celebrated under the appellation of the BILL OF RIGHTS. It is as follows :

WHEREAS the late king JAMES II. by the assistance of divers evil counsellors, judges, and ministers, employed by him, did endeavour to subvert and extirpate the protestant religion, and the laws and liberties of this kingdom, by assuming and exercising a power of dispensing with, and suspending of laws, and the execution of laws without consent of parliament; by committing and prosecuting divers worthy prelates, for humbly petitioning to be excused from concurring to the said assumed power; by issuing, and causing to be executed, a commission under the great seal for erecting a court called the court of commissioners for ecclesiastical causes; by levying money for and to the use of the crown, by pretence of prerogative for other time, and in other manner, than the same was granted by parliament; by raising and keeping a standing army

within this kingdom, in time of peace, without consent of parliament ; and quartering soldiers contrary to law ; by causing several good subjects, being protestants, to be disarmed, at the same time when papists were both armed and employed contrary to law ; by violating the freedom of election of members to serve in parliament ; by prosecution in the court of King's Bench, for matters and causes cognizable only in parliament, and by divers other illegal and arbitrary courses :—

And whereas of late years partial, corrupt, and unqualified persons, have been returned and served on juries in trials, and particularly divers jurors in trials for high treason, which were not freeholders ; and excessive bail hath been required of persons committed in criminal causes, to elude the benefit of the laws for the liberty of the subject, and expensive fines have been imposed, and illegal and cruel punishments inflicted, and several grants and promises made of fines and forfeitures, before any conviction or judgment, against whom the same was to be levied ; all which are utterly and directly contrary to the known laws and statutes and freedom of this realm : And whereas the late king, James II., having abdicated the government, and the throne being thereby vacant, his highness the prince of Orange, whom it hath pleased Almighty God to make the glorious instrument of delivering this kingdom from popery and arbitrary power, did, by the advice of the lords spiritual and temporal, and divers principal persons of the commons, cause letters to be written to the lords spiritual and temporal, being protestants, and other letters to the several counties, cities, universities, boroughs, and cinque ports, for the choosing of such persons to represent them as were of

right to be sent to parliament, to meet and sit at Westminster, January 22, 1689, in order to such an establishment, as that their religion, laws, and liberties, might not again be in danger of being subverted; upon which letters, elections have been accordingly made: And thereupon the said lords spiritual and temporal, and commons, pursuant to their respective letters and elections, being now assembled in a full and free representation of this nation, taking into their most serious consideration the best means for attaining the ends aforesaid, do in the first place, as their ancestors in like cases have usually done, for the vindicating their antient rights and liberties, DECLARE

That the pretended power of suspending laws, or the execution of laws, by regal authority, without consent of parliament, is illegal.

That the pretended power of dispensing with laws, or the executing of laws, by regal authority, as it hath been assumed and exercised of late, is illegal.

That the commission for erecting the late court of commissioners for ecclesiastical causes, and all other commissions and courts of the like nature, are illegall and pernicious.

That the levying money to or for the use of the crown, by pretence of prerogative, without grant of parliament, for longer time, or in any other manner than the same is, or shall be, granted, is illegal.

That it is the right of the subject to petition the king, and all commitments and prosecutions for such petitioning are illegal.

That the raising and keeping a standing army within the kingdom in time of peace, unless it be by consent of parliament, is against law.

That the subjects being protestants, may have arms for their defence suitable to their condition, and as allowed by law.

That the election of members of parliament ought to be free.

That the freedom of speech, or debates, and proceedings in parliament, ought not to be impeached, or questioned in any court or place out of parliament.

That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

That jurors ought to be duly impannelled and returned; and jurors which pass upon men in trials for high treason ought to be freeholders.

That all grants and promises of fines, and forfeitures of particular persons before conviction, are illegal and void; and,

That for redress of all grievances, and for the amending, strengthening, and preserving of the laws, parliaments ought to be held frequently.

AND they do claim, demand, and insist upon, all and singular the premises, as their undoubted rights and privileges, and that no declarations, judgments, doings, or proceedings, to the prejudice of the people, in any of the said premises, ought in any wise to be drawn hereafter in consequence or example.

To which demand of their rights they are particularly encouraged by the declaration of his highness the prince of Orange, as being the only means for obtaining a full redress and remedy therein.

Having therefore an entire confidence that his said highness the prince of Orange will perfect the deliverance so far advanced by him, and will still preserve

them from the violation of their rights which they have here asserted, and from all other attempts upon their religious rights and liberties ;

The said lords, spiritual and temporal, and commons, assembled at Westminster, do RESOLVE,

That WILLIAM and MARY, prince and princess of Orange, be, and be declared, king and queen of England, France, and Ireland, and the dominions thereunto belonging, to hold the crown and royal dignity of the said kingdoms and dominions to them the said prince and princess during their lives, and the life of the survivor of them ; and that the sole and full exercise of the royal power be only in, and executed by, the said prince of Orange, in the names of the prince and princess, during their lives, and after their deceases the said crown and royal dignity of the said kingdoms and dominions to the heirs of the body of the said princess ; and for default of such issue, to the princess Anne of Denmark, and the heirs of her body ; and for default of such issue, to the heirs of the body of the said prince of Orange.

And the said lords, spiritual and temporal, and commons, do pray the said prince and princess of Orange to accept the same accordingly.

And that the oaths hereafter mentioned be taken by all persons of whom the oaths of allegiance and supremacy might be required by law instead of them ; and that the said oaths of allegiance and supremacy be abrogated.

N. B. Here followed the oaths appointed to be taken. In the oath of allegiance, as formerly expressed, a previous and inherent title seemed to be asserted, the sovereign being sworn to as rightful and lawful king. And

great stress was placed in debate upon the consideration that these words could not apply to a king who had not a precedent right, but was elected by the voice, and reigned by the will, of the nation. In order to obviate this legal scruple, the oath was reduced to its ancient simplicity of swearing, to bear true allegiance to the king, which, by the famous statute of Henry VII., was unquestionably agreeable to law. The new oath of supremacy consisted; 1st, of a renunciation of the damnable doctrine, that princes excommunicated by the pope might be deposed or murdered, &c.; and 2dly, a declaration that no foreign prince or power had, or ought to have, any jurisdiction here.

The marquis of Halifax, as speaker of the House of Lords, as soon as the clerk of the crown had finished reading the declaration of rights, made, in the name of the people of England, a solemn tender of the crown to their highnesses, the entire executive power residing and remaining in the prince, to which he replied in the following words:

MY LORDS AND GENTLEMEN,

This certainly is the greatest proof of the trust you have in me that can be given, which is the thing that makes me value it the more; and as I had no other intention in coming hither than to preserve your religion, laws, and liberties, so you may be sure that I shall endeavour to support them, and shall be willing to concur in any thing that shall be for the good of the kingdom, and to do all that is in my power to advance the welfare and glory of the nation.

AFFAIRS OF IRELAND.

A. D. 1689.

THE two acts of general attainder, and repeal of the act of settlement and explanation, passed in the reign of Charles II., enacted by the parliament, convened and held by king James in person, May 1689, at the castle of Dublin, are certainly to be ranked amongst the most atrocious violations of right, and of the first principles of civil society, to be found on historic record. By the former of these, two archbishops, seven bishops, one duke, seventeen earls, eighteen viscounts, and about thirty barons, with about two thousand four hundred persons of inferior note, were expressly designated and attainted by name; but it virtually included multitudes unnamed. The act itself was so carefully concealed, that no protestant was permitted even to see, much less to take a copy of it, till the time limited for pardons was past; but this precaution was unnecessary, for the seeming indulgence of allowing the delinquents a certain time to come in, archbishop King tells us, was *a mere nothing*, the embargo in both kingdoms being so strict, that neither could those in Ireland correspond with their friends abroad, nor those abroad return home, on any consideration whatsoever; nor, indeed, durst any body in Ireland have sent any such advices had the ports been open; for by the clause in the act of repeal, which made it treason to correspond with any rebel, they would have been liable to such prosecutions as might have ruined them, only for endeavouring to prevent the ruin of

others. As to the clause limiting the power of pardon in the crown, it is not easy to ascertain how far it was conformable to the real inclination of the king. For though archbishop King affirms this parliament to be a slave to the king's will, we know that they ventured upon several measures by no measures agreeable to him, insomuch, that he exclaimed with much passion, in resentment at their opposition, "I find all commons are the same:" and the archbishop himself informs us, "that when the act of attainder was under consideration, they would not hear of a clause to enable the king to dispense with it in any instance whatever." On the other hand, he hesitated not resolutely to oppose the repeal of Poyning's act, which, though a primary object with this assembly, was given up in consequence of the king's avowed disapprobation. And James himself declares, in his memoirs, that he "foreclosed himself in the act of attainder from the power of pardon, from unwillingness to disgust his only friends." This bloody sacrifice seems, upon the whole, to have been made by him with much apathy, and if he really felt any reluctance on this occasion, it proceeded not from motives of humanity, but pride and resentment, that the parliament should presume to fix any bounds and limits to the exercise of his prerogative. The whole tenor of his conduct respecting the repeal of the acts of settlement, discovers a mind steeled against every feeling of compassion, every sentiment of honour. "What is become," exclaimed the unhappy sufferers in the representation of their case, drawn up by the chief justice Keating, and presented to the king by the earl of Granard, "of the frequent declarations made by the earl of Clarendon, and the earl, now

duke, of Tyrconnel, of his majesty's fixed resolution never to lay aside the acts of settlement and explanation? Why did the judges, in their several circuits, declare, in all places where they sat, unto the counties there assembled, that your majesty was resolved to preserve the acts of settlement and explanation? and that they were appointed, by the then chief governor here, to declare the same unto them; from whence they took confidence to proceed in their purchases and improvements; and, with submission be it spoken, if this bill pass are deluded." The repeal nevertheless took place, and was carried into effect with every circumstance of cruelty and aggravation, the orders of restitution being issued, with scarcely any previous notice, by the lords lieutenants of counties, and executed by troops of horse and dragoons. A specimen of these terrific mandates is preserved in the appendix to Archbishop King's State of Protestants in Ireland, and is as follows :

SIR,

Naas the 8th April 1690.

This is to let you understand that I am authorized to give the proprietor possession of the lands of Ballysannan, &c, according to the act of parliament, and that you may not be surprised therein, I give you this notice from,

SIR,

Your loving friend and servant,

CHARLES WHITE.

*For John Annesley, Esq. or in his
absence to Francis Annesley, Esq. these.*

Second order for Ballysannan.

WHEREAS Luke Fitzgerald, Esq. has proved himself before me, to be the ancient proprietor of the town and lands of Ballysannan, and that his ancestors were possessed of their Mansion-house there in the year 1641, I do therefore in pursuance of his majesty's orders unto me, appoint the under-named persons to give possession of the Mansion-house there to Luke Fitzgerald, Esq. and for so doing this shall be your warrant. Given under my hand and seal this 6th day of May 1690.

CHARLES WHITE.

I do hereby appoint captain Walter Archbold, or captain John Dillon, of Athy, to give possession of the Mansion-house of Ballysannan, to Luke Fitzgerald, Esq.

PROCEEDINGS
RESPECTING
A COMPREHENSION.

A. D. 1689.

DURING the reign of king James II. and particularly in the latter part of it, when the dissenters were much courted by that monarch, the necessity of a union amongst protestants, and the advantage and propriety of a comprehension, by admitting of a farther reformation in the church, and by relaxing the terms of conformity, was a prevailing topic of discussion and consultation amongst the leading members of the establishment. And even the seven bishops, the venerable champions of the church, in their famous petition to the king, had declared their readiness, in relation to the dissenters, to come to such a temper as should be thought fit, when the matter should be considered and settled in parliament and convocation. The prince of Orange in his declaration had, in consequence, announced it to be one of the purposes of his undertaking, to enable the two houses of parliament, freely and lawfully assembled, to prepare such laws as they should think necessary for establishing *a good agreement* between the church of England and all protestant dissenters; as also for the securing of all such who would live peaceably under the government from all persecution on account of their religion; referring, in the first place, evidently to the project of a comprehension, and next to the subsidiary design of a toleration.

Scarcely was the new king fixed upon the throne than the earl of Nottingham, secretary of state, a nobleman whose attachment to the church was above and beyond all question, moved for a bill of comprehension and indulgence similar to one formerly prepared in the reign of king Charles II. during the debates on the exclusion. This was received with so much favour, even by those who were adverse to the repeal of the test, that the earl had the thanks of the house of peers voted him; and such of the bishops as forsook their seats in parliament to avoid taking the oaths, recommended it before they did so.* Very formidable obstacles, however, soon arose in the way of its accomplishment. "The clergy," says the bishop of Salisbury, "began now to shew an implacable hatred to the non-conformists, and seemed to wish for an occasion to renew old severities against them." On the other hand it was shrewdly and strongly suspected that the professed advocates of the bill in parliament, and even very many of those for whose benefit the bill was avowedly designed, were secretly averse to its success. The earl of Nottingham himself, indeed, appears to have behaved with honour and sincerity throughout the whole of this business: but there were those of the high-church party who, according to bishop Burnet, "acted a very disingenuous part; for while they studied to recommend themselves by this shew of moderation, they set on their friends to oppose it, and such as were very sincerely and cordially for it were represented as the enemies of the church." But a more remarkable circumstance is, that the leaders of the low-church

* Ralph, vol. ii. p. 72.

party were no less unfavourably disposed to the bill. "They set it up," says the same prelate, "for a maxim, that it was fit to keep up a strong faction both in church and state. And they thought it was not agreeable to that, to suffer so great a body as the presbyterians to be made more easy or more inclinable to unite to the church. They also thought that the toleration would be best maintained when great numbers should need it and be concerned to preserve it."* That the heads of the presbyterian party themselves were also adverse to the bill appeared from the intemperate tenor of their writings at this time, respecting the establishment, though it was remarked "that during the late reign, none of their ministers, not even their *mufti* Baxter, had engaged in the controversy against popery."†

Sir John Reresby tells us that the marquis of Halifax, in a conference with the bishop of Salisbury and himself, acknowledged "that the church people hated the presbyterians, and would rather turn papists than receive these sectaries among them. But he added, that the presbyterians were to the full as rank and inveterate against the church, and he complained that their conduct at this very time in relation to the bills pending in their favour was such as must disgust those from whom they looked for indulgence."

Certainly the wise and beneficent plan of comprehension could not have been introduced under more unfavourable auspices. But there are at all times those who, rising superior to vulgar follies and prejudices, are ever ready and anxious to promote the genuine and

* Burnet, vol. iii. p. 14, 15.

† Ralph, vol. ii. p. 72.

permanent interests of mankind in opposition to that invincible weakness and blindness usually predominant, and which excites in minds imbued with the genuine spirit of philosophy and humanity, not resentment but compassion. Of this description it should seem were those enlightened friends of the bill in question, who knowing how easily the passions of a popular assembly were inflamed by entering into discussions of this nature, offered a proviso that, in imitation of acts passed in king Henry VIII. and king Henry the Sixth's time, "a number of persons, both of clergy and laity, might be empowered to prepare such a reformation of things relating to the church as might be offered to king and parliament, in order to the healing our divisions and the correcting what might be amiss or defective in our ecclesiastical constitution." This proposition was vehemently opposed both by the insidious enemies and the undiscerning friends of the bill, amongst the latter of whom must be classed the bishop of Sarum, who attributes the final rejection of the proviso to the influence of a speech which he made against it. He was credulous enough, as he himself confesses, to imagine that "the clergy would have come into this design of reformation with zeal and unanimity; and he feared that the appointment of laymen as joint commissioners, would be looked upon by them as taking the matter out of their hands."

On this occasion the following incomparable protest was entered on the journals by the lords Winchester, Mordaunt, Lovelace and Stamford :

DISSENTIENT,

1st. Because the act itself being, as the preamble sets forth, designed for the peace of the state, the putting the clergy into the commission, with a total exclusion of the laity, lays this humiliation on the laity, as if the clergy of the church of England were alone friends to the peace of the state, and the laity less able or less concerned to provide for it.

2dly. Because the matters to be considered being barely of human constitution; viz. the liturgy and ceremonies of the church of England, which had their establishment from the king, lords spiritual and temporal, and commons assembled in parliament, there can be no reason why the commissioners for altering any thing in the civil constitution should consist only of men of one sort of them, unless it be supposed that human reason is to be quitted in this affair, and the inspiration of spiritual men to be alone depended on.

3dly. Because though upon Romish principles the clergymen have a title alone to meddle in matters of religion, yet with us they cannot, where the church is acknowledged and defined to consist of clergy and laity; and so those matters of religion which fall under human determination being properly the business of the church belong equally to both; for in what is of divine institution neither clergy nor laity can make any alteration at all.

4thly. Because the pretending that differences and delays may arise by mixing laymen with ecclesiastics to the frustrating the design of the commission is vain and out of doors; unless those that make use of this pretence

suppose the clergy-part of the church have distinct interests or designs from the lay part of the same church ; and this *will* be a reason, if good, *why one or other of them* should quit the house for fear of obstructing the business of it.

5thly. Because the commission being intended for the satisfaction of dissenters, it would be convenient that laymen of different ranks, nay, perhaps, of different opinions too, should be mixed in it the better to find expedients for that end, rather than clergymen alone of our church who are generally observed to have very much the same way of reasoning and thinking.

6thly. Because it is the most ready way to facilitate the passing the alterations into a law, that lay-lords and commons should be joined in the commission who may be able to satisfy both houses of the reasons upon which they were made, and thereby remove all fears and jealousies *ill men* may raise against the clergy of their endeavouring to keep up, without grounds, a distinct interest from that of the laity, whom they so carefully exclude from being joined with them in consultations of common concernment, that they will not have those have any part in the declaration who must have the greatest in determining.

7thly. Because such a restrained commission lies liable to this great objection, that it might be made use of to elude repeated promises, and the present general expectation of compliance with tender consciences, when the providing for it is taken out of the ordinary course of parliament to be put into the hands of those alone who were latest in admitting any need of it, and who may be thought the more unfit to be the sole composers

of our differences when they are looked upon by some as parties.

Lastly. Because after all, this carries a dangerous supposition with it, as if the laity were not a part of the church, nor had any power to meddle in matters of religion; a supposition directly opposite to the constitution both of church and state, which will make all alterations utterly impossible, unless the clergy alone be allowed to have power to make laws in matters of religion; since what is established by law cannot be taken away or changed but by consent of laymen in parliament, the clergy themselves having no authority to meddle in this very case in which the laity are excluded by this vote but what they derive from lay-hands.

The proposal of appointing a commission being overruled by a very small majority,* the bill was sent down to the commons, where it was suffered to lie neglected on the table, and an address was moved and carried, humbly beseeching his majesty "that according to the antient usage and practice of the kingdom in time of parliament, his majesty would be graciously pleased to issue forth his writs for calling a convocation of the clergy to be advised in ecclesiastical matters." To this address the concurrence of the lords was, though not without great debate and opposition, obtained: and thus under the joint sanction of both houses it came before

* This is the account of bishop Burnet, who was himself present at the division; but Ralph, a much more accurate writer, affirms, that the numbers were equal on the division, in which case, according to the rules of the house, the question was decided in the negative.

the throne. The king returned an answer suitable to his high character for wisdom, concluding with an earnest recommendation "that the occasions of differences and mutual animosities might be removed, and that as soon as might be, he would summon a convocation." Nothing further being done during the course of the session respecting the business of comprehension, the king resolved, as the last expedient, to summon a convocation, which met early the ensuing winter, 1689-90, when the parliament was again convened.

That no precaution which prudence could dictate might be wanting to facilitate the favourable reception of this design, a special commission was issued under the great seal to ten bishops and twenty dignitaries of the church, impartially selected, "to prepare," in the words of the commission, "such alteration of the liturgy and the canons, and such proposals for the reformation of ecclesiastical courts, and to consider of such other matters as in their judgments might most conduce to the ends proposed." But it immediately appeared how different was the spirit now prevalent amongst the clergy from that which actuated them in the last reign, when the aid of the dissenters was supposed to be wanting to rescue the church from the dangers which then impended over her. In the famous address from archbishop Sancroft to the bishops of his diocese, containing heads of advice and instruction to their lordships, adapted to those difficult and distressing times, the primate thus, in conclusion, summed up his sentiments. "And in the last place that they," i. e. the clergy of the different dioceses, "warmly and most effectually exhort them," i. e. the protestant dissenters, "to join with us in daily fervent prayers

to the God of peace for an universal blessed union of all reformed churches, both at home and abroad, against our common enemies ; and that all they who do confess the name of our dear Lord, and do agree in the truth of his holy word, may also meet in ONE HOLY COMMUNION, and live in perfect unity and godly love." And the bishop of Salisbury affirms, that the bishops, with their metropolitan at their head, had actually agreed on the project of a comprehension previous to the landing of the Prince of Orange.

But the idea of danger had now completely vanished ; and a new scene of things was opening. Scarcely would the lower house of convocation concur with the bishops in an address of the most general nature, acknowledging " the pious zeal and care of his majesty for the interests of the church, and assuring him that they would consider whatsoever should be offered to them from his majesty without prejudice, and with all calmness and impartiality."

As might be with certainty expected from an assembly of this complexion, all the propositions of reform, digested by the commissioners, were rejected with the utmost haughtiness and contempt, and the king soon found it necessary, by a prorogation, to put a stop to the violence of their proceedings.

A T T E M P T
TO ABOLISH
T H E T E S T L A W S.
A. D. 1689.

ON the 16th March, 1689, king William came in person to the house of peers to give the royal assent to the bill for suspending the habeas-corpus act, &c. on which occasion he delivered the following short, but ever-memorable speech :

“ MY LORDS, AND GENTLEMEN,

“ Now I have the occasion of coming hither to pass these bills, I shall put you in mind of one thing which will conduce as much to our settlement, as a settlement will to the disappointment of our enemies. I am, with all the expedition I can, filling up the vacancies that are in offices and places of trust by this revolution. I hope you are sensible there is a necessity of some law to settle the oaths to be taken by all persons to be admitted to such places. I recommend it to your care to make a speedy provision for it. And as I doubt not but you will sufficiently provide against papists, so I hope you will leave room for the admission of ALL PROTESTANTS that are willing and able to serve. This conjunction in my service will tend to the better uniting you among yourselves, and the strengthening you against your common adversaries.”

On the 14th March a bill had been introduced under the sanction of the court for abrogating the oaths of allegiance and supremacy, and for appointing other oaths in their stead, deemed more simple and comprehensive. In the progress of this bill a clause was brought forward in the upper house, in conformity with the truly wise and patriotic sentiment expressed by the king, to remove the necessity of taking the sacrament as a qualification for an office, which was unhappily rejected. But a protest framed in terms very animated and forcible, was immediately entered upon the journals by the lords Delamere, Stamford, North and Grey, Chesterfield, Wharton, Lovelace, and Vaughan, expressive of their dissent from the majority of the house.—

“BECAUSE they conceived that a hearty union among protestants was a greater security to the church and state than any test that could be invented.

“That this obligation to receive the sacrament was a test on the protestants rather than on the papists.

“That as long as it was continued there could not be that hearty and thorough union among protestants as had always been wished, and was at this time indispensably necessary.

“And Lastly, That a greater caution ought not to be required from such as were admitted into offices than from the members of the two houses of parliament, who are not obliged to receive the sacrament to enable them to sit in either house.”

On a negative being put upon the first clause, a second was moved, that the producing a certificate under the

hand of a minister not conforming to the established church and two other credible witnesses, that the party therein specified had received the sacrament, should be deemed a sufficient qualification. This being also rejected, the following excellent protest was signed by the lords Oxford, Mordaunt, Lovelace, Montague, Whar-
ton and Paget.

DISSENTIENT.

BECAUSE it gives great part of the protestant freemen of England reason to complain of inequality and hard usage, when they are excluded from public employments, by a law depriving the king and kingdom of divers men fit and capable to serve the public in several cases; and that for a mere scruple of conscience, which could by no means render them suspected, much less disaffected to the government.

That his majesty, as the common indulgent father of his people, having expressed an earnest desire of liberty to tender consciences, and to his protestant subjects, and the bishops having divers of them, on several occasions, expressed an inclination to, and owned the reasonableness of, such a christian temper, they apprehended it would raise suspicions in men's minds of something different from the case of religion or the public, or a design to heal our breaches, when they should find that by confining secular employments to ecclesiastical conformity, those were struck out from civil affairs whose doctrine and worship might be tolerated by authority of parliament, there being a bill before them, by order of the house, to that purpose; especially when without this

exclusive rigour the church is secured in all its privileges and preferments, nobody being hereby let into them who is not strictly conformable.

That to set marks of distinction and humiliation on any sorts of men who have not rendered themselves justly suspected to the government, as it is at all times to be avoided by the making just and equitable laws, so might it be of ill effect to the reformed interest at home and abroad, in this present conjuncture, which stood in need of the united hands and hearts of all protestants against the open attempts and secret endeavours of a restless party and a potent neighbour, who was more zealous than Rome itself to plant popery in these kingdoms ; and laboured with his utmost force to settle his tyranny upon the ruins of the Reformation all through Europe.

That it turned the edge of a law, they knew not by what fate, upon protestants and friends to the government, which was intended against papists ; to exclude them from places of trust, as men avowedly dangerous to our religion and government ; and the taking the sacrament, which was enjoined only as a means to discover papists, was now made a distinguishing duty amongst protestants to weaken the whole by casting out a part of them.

That mysteries of religion and divine worship are of divine original, and of a nature so wholly distant from the secular affairs of politic society, that they cannot be applied to those ends ; and therefore the church by the law and the gospel, as well as common prudence, ought to take care not to offend either tender consciences within

itself, or give offence to those without, by mixing their sacred mysteries with secular interests.

That they could not see how it could consist with the law of God, common equity, or the right of any free-born subject, that any one be punished without a crime.

That if it be a crime not to take the sacrament according to the usage of the church of England, every one ought to be punished for it, which nobody affirms ; and if it be no crime, those who were capable, and judged fit for the king's service, ought not to be punished with a law of exclusion for not doing that which is no crime to forbear.

Lastly, That if it be urged still as an effectual test to discover and keep out papists, the taking of the sacrament in those protestant congregations where they are members, and known, would be at least as effectual to that purpose.

AFFAIRS OF SCOTLAND.

A. D. 1689.

THE meeting of the convention of the estates of Scotland, summoned by letter of the Prince of Orange, as in England, was fixed for the 14th March, 1689. Lord Balcarras affirms, that king James allowed his partizans, at the election of the convention, to make all the interest they could that members might be rightfully chosen. The lords and commons being met accordingly in one house, conformably to the custom of that kingdom, the bishop of Edinburgh, a zealous adherent of the dethroned monarch, was appointed chaplain: and in officiating in this capacity, he scrupled not publicly to pray that God would have compassion on king James, and that he would restore him. This was a very unpropitious commencement of the session: but the real sentiments of the convention were soon to be put to a decisive test. The first great point to be settled was the choice of a president. The marquis of Athol was set up by the high, and the duke of Hamilton by the low party. Contrary to the general expectation, the duke carried it by forty voices. "Upon which," says lord Balcarras, "above twenty more who had engaged to us, and voted for us, seeing we were the weakest party, and that the other had both forces and the shew of authority on their side, left us." On the 18th March, a messenger arrived with a letter to the estates, from the king of England. And one Crane having also at the same time a letter to deliver from king James, who still remained king of

Scotland, a warm debate arose which letter should be first read. But the marquis of Lothian remarked, that this compliment was due to the king of England, since the assembly itself was convened at his desire; and the question being put, it was carried in the affirmative, and the said letter was read accordingly as follows :

To the Meeting of the Estates of SCOTLAND.

MY LORDS, AND GENTLEMEN,

WE are very sensible of the kindness and concern that many of your nation have evidenced towards us and our undertaking, for the preservation of religion and liberty, which were in such imminent danger. Neither can we in the least doubt of your confidence in us, after having seen how far so many of your nobility and gentry have owned our declaration, countenancing and concurring with us in our endeavors, and desiring that we should take upon us the administration of affairs, civil and military, and to call a meeting of the estates for securing the protestant religion, the antient laws and liberties of that kingdom, which accordingly we have done. Now it lies on you to enter upon such consultations as are most probable to settle you on sure and lasting foundations, which we hope you will set about with all convenient speed with regard to the public good, and to the general interest and inclinations of the people, that after so much trouble and great sufferings they may live happily, and in peace, and that you may lay aside all animosities and factions that may impede so good a work. We were glad to find that so many of the nobility and gentry, when here at

London, were so much inclined to an union of both kingdoms, and that they did look upon it as one of the best means for procuring the happiness of those nations, and settling of a lasting peace among them, which would be advantageous to both; they living in the same island, having the same language, and the same common interest of religion and liberty, especially at this juncture, when the enemies of both are so restless, endeavouring to make and encrease jealousies and divisions, which they will be ready to improve to their own advantage and the ruin of Britain. We being of the same opinion as to the usefulness of this union, and having nothing so much before our eyes as the glory of God, the establishing of the reformed religion, and the peace and happiness of these nations, are resolved to use our utmost endeavours in advancing every thing which may conduce to the effectuating the same. So we bid you heartily farewell.

*From our Court at Hampton,
the 7th day of March, 1689.*

WILLIAM R.

The king of England's letter being read, a committee was forthwith appointed to draw up a respectful answer to it. A motion being then made for reading the letter from king James, it was strongly opposed, on the ground that it might contain some authoritative clause to dissolve the assembly or annul their proceedings. At length it was decided that the letter should be read—the following declaration being previously signed by the members of the convention :

FORASMUCH as there is a letter from king James the Seventh, presented to the meeting of the estates, that

they, before opening thereof, declare and enact that, notwithstanding of any thing that may be contained in that letter for dissolving them or impeding their procedure, yet that they are a free and lawful meeting of the estates, and will continue undissolved until they settle and secure the protestant religion, the government, laws and liberties of the kingdom.

This paper having been signed almost unanimously by those present, the letter brought by Crane was read as follows:

JAMES R.

MY LORDS, AND GENTLEMEN;

WHEREAS we have been informed that you, the peers and representatives of shires and boroughs of that our ancient kingdom, who are to meet together at our good town of Edinburgh, sometime in this instant March, by the usurped authority of the Prince of Orange, we think fit to let you know that we have at all times relied upon the faithfulness and affection of you our antient people so much, that in our greatest misfortunes heretofore we had recourse to your assistance; and that with good success, to our affairs; so now again we require of you to support our royal interest; expecting from you what becomes loyal and faithful subjects, generous and honest men, that will neither suffer yourself to be cajoled nor frightened into any action misbecoming true-hearted Scotchmen. And that to support the honour of the nation, you will condemn the base example of disloyal men, and eternize your names by a loyalty suitable to the many professions you have made

to us, in doing whereof you will chuse the safest part : since thereby you will evite the danger you must needs undergo ; the infamy and diagrace you must bring upon yourselves in this world, and the condemnations due to the rebellious in the next. And you will likewise have the opportunity to secure to yourselves and your posterity the gracious promises we have so oft made of securing your religion, laws, properties, liberties, and rights, which we are still resolved to perform as soon as it is possible to us to meet you safely in a parliament of our antient kingdom.

In the mean time fear not to declare for us your lawful sovereign, who will not fail, on our part, to give you such speedy and powerful assistance as shall not only enable you to defend yourselves from any foreign attempt, but put you in a condition to assert our rights against our enemies, who have depressed the same by the blackest of usurpations, the most unjust, as well as most unnatural of all attempts, which the Almighty God may for a time permit, and let the wicked prosper, yet then must bring confusion upon such workers of iniquity. We farther let you know that we will pardon all such as shall return to their duty before the last day of this month inclusive ; and that we will punish with the rigour of our law all such as shall stand out in rebellion against us or our authority. So, not doubting that you will declare for us, and suppress whatever may oppose our interest, and that you will send some of your number to us with an account of your diligence and the posture of our affairs, we bid you heartily farewell.

Given on board the St. Michael,

the 1st March, 1689.

By his Majesty's command,

MELFORT.

The convention were so far provoked at the insolent though impotent menaces contained in this letter, as to order Crane the messenger into custody, but he was soon released, and no farther notice taken of him or his message. On the other hand, they passed a vote of thanks to William for the great benefit done by him to their nation in delivering them from the near danger which threatened the overthrow of their laws and of their religion, and desiring him to accept the administration of the government. They required, by proclamation, all persons from sixteen to sixty, to be in readiness to take arms when the house should call upon them. They set forth another proclamation for securing all disaffected persons, and they dispatched the following reply by lord Ross, to the letter of the king of England.

Edinburgh, March 23, 1689.

MAY IT PLEASE YOUR MAJESTY,

As religion, liberty and law are the dearest concerns of mankind, so the deep sense of the extreme hazards these were exposed to, must produce suitable returns from the kingdom of Scotland to your majesty, whom in all sincerity and gratitude we acknowledge to be, under God, our great and seasonable deliverer. And we heartily congratulate that as God has honoured your majesty to be an eminent instrument for the preservation of his truth; so he has rewarded your undertakings with success in the considerable progress which you have made in delivering us, and in preserving to us the protestant religion.

We return our most dutiful thanks to your majesty

for your accepting the administration of public affairs, and convening the estates of this kingdom, and we shall with all convenient diligence take your gracious letter into our consideration, hoping shortly, by the blessing of God, to fall upon such resolutions as may be acceptable to your majesty, secure the protestant religion, and establish the government, laws and liberties of this kingdom upon solid foundations, most agreeable to the general good and inclinations of the people. As to the proposal of the union, we doubt not your majesty will so dispose that matter that there may be an equal readiness in the kingdom of England to accomplish it, as one of the best means for securing the happiness of these nations, and settling a lasting peace. We have hitherto, and still shall endeavour to avoid animosities or prejudice which might disturb our councils; that as we design the public good, so it may be done with the general concurrence and approbation of the nation. In the mean time we desire the continuance of your majesty's care and protection towards us in all our concerns, whereof the kind expressions in your gracious letter have given us full assurance.

Signed in the name of us the Estates of the Kingdom of Scotland, by our President. May it please your Majesty, &c.

HAMILTON.

It is remarkable that, in the consideration of the affairs of Scotland, the idea of an union with England was first, and last, and midst, in the mind of king William. He embraced the earliest opportunity which offered to

recommend this salutary measure to the Scottish convention of estates; he frequently insisted upon it as occasions occurred in the course of his reign, and it was the subject of his latest message to the English parliament, when he had his dissolution in immediate prospect. To the great stress which this penetrating and patriotic monarch placed upon this union must we attribute its final and happy accomplishment in a few years after his death. From the æra of the Revolution it became a grand and leading object of policy. There existed, however, at this period, obstacles to its success not to be surmounted. The majority of the Scottish convention were presbyterians; who were secretly determined upon the abolition of episcopacy. But had a treaty of union been immediately set on foot, neither would the English parliament have consented to the abolition as a condition of the treaty, nor could any hope be entertained that it would be granted in consequence of any application to the united legislature subsequent to the treaty. Thus the union projected soon fell to the ground, but the settlement of the government was prosecuted with all imaginable diligence, and in a very few days the convention passed a vote, with five dissentient voices only, declaring that the late king James VII. had *forfaulted* the right of the crown, and that the throne was become vacant. An act was immediately prepared for settling the crown upon king William and queen Mary, who were, on the 11th April, 1689, which was the day of their coronation in England, proclaimed king and queen of Scotland, at the high cross of Edinburgh, by the lord president in person, assisted by the lord provost and all the magistracy of that

city. This ceremony was followed by another proclamation, "to certify the *lieges* that none should presume to acknowledge the late king James for their king, or obey him, nor accept of, nor assist any commissions from him, nor hold any correspondence with him, and that none, upon their highest peril, by word, writing, sermon, or any other manner of way, impugn or disown the royal authority of king William and queen Mary."

The conduct of king William, at the commencement of his reign, respecting the affairs of Scotland, taken in a general view, and allowing for the almost insuperable difficulties of his situation, appears to have been very judicious. Totally free from all bigotry and narrowness of mind in whatever related to the externals of religion, he gave no other preference to one or other of the different forms of church government urged upon his acceptance by the opposing factions of that kingdom, than as the choice made by him would influence the peace and happiness of the people; solicitous only, with that superior wisdom and benignity which it is ardently to be wished might ever be found associated with superior rank and power, to secure a free and full toleration to those who could not, or would not, conform to the terms of the national establishment. The king himself appears inclined to favour the continuance of the episcopal form of church government in Scotland, properly modified and limited, as more analogous to the monarchical constitution of the state, and more agreeable to the sentiments of his English subjects. Soon after his arrival at St. James's, the episcopal party in Scotland sent up the dean of Glasgow to London, in or-

der to ascertain his intentions respecting them. The dean was introduced to the presence of the king, then Prince of Orange; who promised "to do all he could for their preservation, provided a full toleration was granted to the presbyterians; but this was in case they concurred in the new settlement of the kingdom. For if they opposed that, and if by a great majority in parliament resolutions should be taken against them, he could not make a war for them." But it very soon appeared that things were taking such a turn in Scotland, as to render it highly impolitic for the king to stand forward as the champion of episcopacy. In the instrument of government and statement of grievances annexed, which was presented to the king by the Scottish commissioners deputed from the convention, with the offer of the crown, it is declared, § 21, "That prelacy and superiority of an office in the church above presbyters is, and has been, a great and insupportable burden to this nation, and contrary to the inclinations of the generality of the people ever since the Reformation, they having reformed popery by presbytery; and ought therefore to be abolished."* On the other hand, the Scottish prelates, inflamed by the spirit of faction, and relying on the sanguine assurances of lord Dundee, who predicted another speedy revolution in favour of the late sovereign, engaged with great zeal and ardour in the opposition to the new settlement; and the episcopalians in general following their example, and embracing, with decided predilection, the interests of king James, the present monarch was thrown entirely into the hands of the presbyterians. The disaffection of the episcopal

* Burnet, vol. iii. p. 31.

party was also increased by the spirit of rancor displayed by divers of the ministers appointed by the king. The earl of Melville, secretary of state, who was regarded as the head of the new administration, was indeed himself a man of mildness and moderation, but his talents were unequal to his situation, and he connived at the violence practised by his colleagues, particularly the earl of Crawford, president of the parliament, who distinguished himself in council by his eagerness to deprive such of the clergy of their benefices who had omitted to read the proclamation as enjoined by the convention, in their several churches, by a certain day, declaring the forfeiture of the crown in the person of the late king, and its transmission to the present sovereigns.

On the 1st of July, 1689, an act passed for the abolition of episcopacy—the convention being converted, as in England, into a parliament, and the duke of Hamilton appointed high commissioner. But notwithstanding this great concession, the public business went on very heavily. The demands of the patriots were so numerous, and the compliances of the court so reluctant and tardy, that extreme discontent was excited, strong symptoms of anger and resentment were apparent, and the parliament was hastily adjourned by the lord high commissioner to the 8th of October (1689). Immediately consequent to the adjournment, the majority of the members met, and drew up the following bold and spirited remonstrance or memorial, which was soon afterwards presented to the king at Hampton Court.

MAY IT PLEASE YOUR MAJESTY,

NOTHING save the great and general surprize of this long distressed, and at present unsettled kingdom, upon the late adjournment of your most loyal parliament for so long a time, and in so critical a season, with the deep concern of your royal interest therein, could possibly have induced us to this so necessary a petition. But the visible consternation and discouragement of thousands of your good subjects delayed in the relief and comfort which at this time they assuredly expected, with the advantages that we apprehend your majesty's enemies, both within and without the kingdom, may think to reap by such an interruption, being our only motives, we cannot, we dare not be silent. And therefore, to prevent these evil consequences, we, in the first place, most solemnly protest and declare, in the presence of God and men, our constant and inviolable fidelity and adherence to your majesty's royal title, right and interest, so frankly and cheerfully recognized by us in this current parliament, wishing and praying for nothing more under the sun than your long and prosperous reign, as that wherein the security of all our lives and liberties, as also of our holy religion, more dear to us than both, is infallibly included. It was the persuasion we had of the justice as well as the necessity of your majesty's heroic undertaking for the delivery of these kingdoms, with the conviction of the divine confirmation that appeared in its glorious success, that moved most, if not all of us, to endeavour and concur most heartily in the late meeting of estates for the advancement and establishment of your majesty upon the

throne, when some discovered their disaffection, and were too open retarders and obstructors of that good design. And it is from the same true affection and zeal that we do now most heartily make the above-mentioned protestation, to obviate all the misconstructions your enemies may make in this juncture.

Nor are we less assured of your majesty's most sincere and gracious intentions to perform for us, to the utmost, all that the estates of the kingdom have either demanded or represented as necessary and expedient for securing the protestant religion, restoring their laws and liberties, and redressing of their grievances, according to your majesty's declaration for this kingdom. Neither can it be imagined that so wise and just a king as your majesty will ever be persuaded that so loyal a parliament as this can be induced either to wish or design any prejudice to, or diminution of, your true interest and prerogative. But such as have slavishly served and flattered arbitrary power and tyranny, will be always studying for their own sinister ends, to state a separate interest betwixt king and people; a practice which we are confident your majesty abhors. But that we may clear ourselves upon this present occasion to your majesty's full satisfaction, and the refuting of all misrepresentations we can incur on any hand, we shall briefly rehearse to your majesty the votes passed in this present parliament to which the royal assent is not given, with such short reflections as we hope may tend to the better vindication of all concerned.

The first act upon which the vote of parliament has passed, is that declaring the privileges of the estates of parliament to nominate and appoint committees as they

shall think fit: and excluding therefrom the officers of state unless they be chosen. And omitting what the parliament hath already represented to your majesty as reasons of their vote, it is humbly conceived that this act is exactly framed to the extent of that grievance which, together with the rest, is desired in the instrument of government to be redressed unto us in parliament.

The second was an act abrogating the act of parliament, 1669, asserting the king's supremacy over all persons, and in all causes ecclesiastical: and this act is so exactly conform to the second article of the above-mentioned grievances, and the foresaid act of supremacy in itself is so dangerous to the protestant religion, as well as inconsistent with the establishment of any church government, that we doubt not your majesty will ever approve all that voted to it.

The third is an act anent persons not to be employed in public trusts, And all the ruins and distresses of this kingdom have so certainly flowed from the persons therein noted, especially such as by their contriving of, and concurring in, the dispensing power, have thereby imminently endangered our religion, and overturned all the fences of our liberties and properties; which we have good ground to believe the parliament would have extended but to few persons. And your majesty, in your declaration, hath so justly charged the same upon evil and wicked counsellors—the only persons pointed at in this act, that we are persuaded that you will find it absolutely necessary for attaining all the ends of your majesty's glorious undertaking for our relief.

The fourth is an act concerning the nomination of

the ordinary lords of session, and the election of the president, *to wit*, that in a total vacation they be tried and admitted or rejected by parliament, and in a particular vacation they be tried and admitted or rejected by the other lords; and that the president be chosen by the lords themselves, conform to our old practice and express statute. And this act is so agreeable to practice, laws, and acts of parliament, and so necessary for the true and equal administration of justice, the great security of all kingdoms, that your majesty will unquestionably approve it.

The fifth and last is an act ordaining the presbyterian ministers yet alive, who were thrust out since the 1st January, 1661, for not conforming to prelacy, and not complying with the courses of the time, to be restored. And this act is in itself so just, and so consequential from the claim of right, and agreeable to your majesty's declaration, that less in common equity could not be done. And here your majesty may be pleased to consider that, though prelacy be now by law abolished, yet these few ministers, not exceeding sixty, though restored as they are not for want of the royal assent to the foresaid act, would be all the presbyterian ministers legally established and provided for in Scotland.

It is not unknown to your majesty what have been the sad confusions and disorders of this distressed country under prelacy, and for want of its ancient presbyterian government, and how the whole west, and many other parts of Scotland, are at present desolate and destitute, having only ministers called by the people upon the late liberty, without any benefice or living, or convenient place to preach in. It is also certain that there

are many hundreds of forefaulted, or fined persons, who are yet waiting to be restored and refounded according to the claim of right and your majesty's gracious instructions thereanent.

It is true the last thing proposed by your majesty's commissioner in parliament was a supply of money for maintenance of the forces so necessary for our present defence; and we should have proven ourselves ungrateful to your majesty, and false to our own interest and security, if we had refused it. But there being a sufficient and certain fund to maintain *all the forces*, and support all other incident charges of the government for some months, all that we demanded was that some things visibly necessary for the satisfaction of the country, and the better enabling and disposing them to pay the said supply, might be first expedited. We are confident that the vote of parliament, which was only for a short delay, will not give your majesty the least ground of offence.

And now having presumed to lay these things before your majesty, with all humble submission, purely out of duty, for preventing the evil constructions of your majesty's enemies, and for our own just vindication, we most humbly beseech your sacred majesty graciously to consider what is here represented; and in prosecution of your majesty's acceptance of the claim of right, and the declaration omitted for this kingdom to take such courses as you in your royal wisdom shall think fit, for passing the foresaid acts of parliament, and redressing all our other grievances. And we your ma-

jeſty's moſt humble petitioners and faithful ſubjects ſhall, as in duty bound, ever pray for your long and prosperous reign over us.

Far from ſhowing any marks of reſentment at the ſtrong language of this petition, the king, ſenſibly touched at the reproaches implied in it, cauſed his inſtructions to the lord high commissioner to be published, by which it appeared that his grace might have gone farther in his compliances than he had done, though not ſo far as the demands of the remonſtrants extended. By repeated adjournments and prorogations the parliament did not meet again, for the diſpatch of buſineſs, till the month of April in the enſuing year, 1690, previous to which time conſiderable changes were made in the Scottiſh miniſtry. The earl of Melville ſucceeded the duke of Hamilton as high commissioner. The earls of Argyle and Tweeddale were appointed to high offices, and effectual methods taken to ſoften the aſperity of oppoſition. Agreeably likewise to the inſtructions transmitted to the new commissioner, the ſystem of policy adopted in this ſeſſion was entirely conciliatory. Lord Melville opened the parliament with a gracious ſpeech, and the earl of Crawford, preſident of the parliament, ſeconded the commissioner in an harangue ſuited to the taſte of the times, giving plain intimations of the approaching triumph of preſbytery, and comparing the affair of reſettling the church to the re-building of the temple under Ezra and Nehemiah; illuſtrating and adorning his ſubject with many ſcriptural and prophetic quotations. A bill was immediately brought in for abolishing that great parliamentary grievance the

committee, so long known and reprobated under the name of the lords of the articles. And on the very day on which the royal assent was given to it, a committee was appointed to consider of a bill for settling the government of the church. This was framed in such a manner as to give complete satisfaction to the most rigid and bigoted of the presbyterians. Those ancient ministers, who had been deprived when episcopacy was established at the restoration of king Charles II., in the lapse of thirty years, reduced to about sixty in number, were now re-instated, and regarded as the only true representatives of the national church. They were authorized and empowered to associate with themselves in the government of the church, such as they should deem duly qualified. These were for the most part men of furious tempers. At least such was the character of those persons who, during this season of conflict and violence, when the mild and the timid sought the shades of obscurity, assumed the chief direction of affairs. "Such," says bishop Burnet, "who were disposed to more moderate counsels had now put it out of their power to pursue them." The fanatics had long waited for an opportunity of avenging themselves upon their enemies, whom they abused and defamed in all the appropriate phraseology of religious malignity; and a new storm of persecution was raised against such of the episcopal clergy as had in some degree escaped the rage of the former year. Accusations were brought against some for heresy, and against others for immorality; and if they condescended to adopt any forms of trial, they were such as became inquisitors rather than judges. The act of supremacy, highly exceptionable in various

respects, was in the course of this session also repealed without reserve; so that it was difficult for the executive power to impose any restraint upon these excesses and enormities. But as the duke of Hamilton had not gone far enough in his concessions, the king thought that the earl of Melville had gone much too far. "He did not understand," says the bishop of Salisbury, "that his instructions could warrant what lord Melville did. And the king was so offended with him for it that he lost all the credit he had with him; though the king did not think fit to disown him, or to call him to an account, for going beyond his instructions."

P R O T E S T

RELATIVE TO THE

ACT OF RECOGNITION.

A. D. 1690.

IN the first session of the new parliament, convened March, 1690, in which the tory interest predominated, a bill was brought into the house of lords for recognizing their majesties as the rightful and lawful sovereigns of these realms, and for declaring all the acts of the last parliament to be good and valid. In the progress of the bill, and by way of accommodation to the prejudices of the tory peers, the words rightful and lawful were dropped, and it was styled simply an act for recognizing king William and queen Mary, &c. By an important clause of this act it was declared and enacted, that all and singular the acts made in the last parliament *were* laws and statutes of the realm. To this the tories strongly, and, viewing the subject in a contracted light, plausibly objected. They argued that it was one of the fundamentals of our constitution that no assembly could be called a parliament unless it was called and chosen upon the king's writ. And they inferred that the acts passed by the convention were not, and could not be regarded as valid in themselves, and for time past, but they were ready to enact that they should be held good and valid, by the authority of the present parliament, in time to come. This was deemed by the whigs a point of too much moment to be tamely con-

ceded. And a vehement debate arising whether the clause in question should be suffered to stand, it was carried in the committee by a small majority in the affirmative. But on the report it was lost by six voices. This gave occasion to one of the most vigorous and alarming protests recorded on the journals of the house, to which were affixed the signatures of the following peers: Bolton, Macclesfield, Stamford, Newport, Bedford, Herbert, Suffolk, Monmouth, Delamere, and Oxford—founded on the following reasons:

DISSENTIENT,

1st. Because there appears to us no reason to doubt of the validity of the last parliament; the great objection insisted upon being the want of writs of summons, which we take to be fully answered by the state the nation was in at that time, which made that form impossible, such exigencies of affairs having been always looked upon by our ancestors, however careful of parliamentary forms, to be a sufficient reason to allow the authority of parliament, notwithstanding the same or other defects in point of form; as the parliament which set Henry I. and king Stephen on the throne; the parliament held, 28th Edward I.; the parliament summoned by the Prince of Wales, 20th Edward II.; the parliament summoned, 23d Richard II.; the parliament held, 1st Henry VI.; and the parliament held, 28th Henry VI.; the acts of which parliaments have been held for law.

2d. Because the rejecting this clause must necessarily disturb the minds of the greatest part of the kingdom; for if those be not good laws, all commissioners, assessors, collectors and receivers of the late taxes, are not only

subject to private actions, but to be criminally prosecuted for one of the highest offences against the constitution of the English government, viz. the levying money on the subject without lawful authority ; all persons who have lent money upon the credit of those laws will be in dread of their security, and impatient to get in their money ; all persons concerned in levying the present taxes will be fearful to proceed ; all persons who have accepted any offices or employments, ecclesiastical, civil, or military, will be under the apprehension of having incurred all the terrible forfeitures and disabilities of the act of 25th Charles II. cap. 2. ; and all who have any way concurred to the condemnation or execution of any person upon any act of the late parliament, will think themselves in danger of being called to an account for murder.

3d. Because to leave a doubt touching the validity of the last parliament, is to shake all the judgments and decrees given in the house of peers, or in Westminster-hall, during this reign, and to bring a question upon the whole course of judicial proceedings.

4th. Because if the authority of the last parliament be not put out of the question, the authority of the present parliament can never be defended ; for the statute of 5 Elizabeth, cap. 1. makes the election of every member of the house of commons absolutely void, if he enters into the house without taking the oaths of supremacy, which no one person having done there is an end of this house of commons. And by the statute made 30 Charles II. if any peer, or member of the house of commons, presume to sit and vote without first taking the oaths of allegiance and supremacy before the speaker of the respective houses, he does not only forfeit 500

pounds, and become a popish recusant, and disabled to take a legacy, to hold any office or place of trust, to prosecute any suit, to be a guardian, executor, or administrator, but is made for ever incapable to sit and vote in either house of parliament. And consequently this can be no parliament, nor any who have sat in either house be capable of sitting in parliament hereafter.

5th. Because to leave room to doubt of the authority of the last parliament is to shake the succession of the crown established by it, and the credit and authority of all treaties made with foreign princes and states by king William, as the undoubted king of these realms. So that if the last was no parliament, and their acts no law, this is our case: The nation is engaged in a war without the consent of parliament, the old oaths of supremacy and allegiance remain in force, and the nation forced, under colour of law, to swear fidelity to king William, though they can never act as a lawful parliament without taking the oaths of allegiance to king James. All judgments and decrees in the house of lords during the late parliament are of no force, great sums of money have been levied without consent of parliament, and men have been put to death not only without, but against law, which is the worst sort of murder.

Lastly, the king upon the throne, the peerage of England, and the commons, freely elected by the people, have been parties to all this. The peers and commons now assembled are under a perpetual disability; and the nation is involved in endless doubts and confusions, without any legal settlement or possibility to arrive at it, unless a parliament be summoned by king James's writ, and the oaths of allegiance taken to him.

In consequence of this seasonable and confounding protest, the clause in question was ultimately restored, the whole weight of the crown being exerted in favour of it. And the tories in their turn entered, on the third reading of the bill, their protest against it as follows :

1st. Because we conceive that saying " It is enacted by the authority of the present parliament that all and singular the acts made in the last parliament *were* laws," is neither good English nor good sense.

2d. Because if it were good sense to enact for the time past, it must be understood on this subject to be the declaring of laws to be good which were passed in a parliament not called by writ in due form of law, which is destructive of the legal constitution of this monarchy, and may be of evil and pernicious consequence to our present government under this king and queen.

The house of peers were now fully awakened to a sense of the dangers which must flow from the admission of this principle, or even of a bare acquiescence in the speculative assertion of it. And after another long and fierce debate, the protest of the tory lords was ordered to be expunged from the journals of the house. This gave rise to a second protest of the same, or nearly the same lords, declaratory of their resentment at this extraordinary and unprecedented procedure ; signed by the lords Nottingham, Jermyn, H. London, Thomas Meney. Ed. Wigorn, P. Winchester, H. Bangor, Westmoreland, Chandos, Abington, W. Asaph. To the first protest were also affixed the signatures of the duke of Somerset, the earls of Rochester, Huntingdon,

Feversham, and Dartmouth, with the lords Scarsdale and Weymouth, and six bishops.

The subject having been so thoroughly investigated in the house of peers, and the insidious cavils of the tories irrefragably exposed, the bill passed through the house of commons silently, or with very trifling opposition, in the short space of two days.

CONSPIRACY

AGAINST

THE GOVERNMENT.

A. D. 1691.

THE conspiracy discovered January 1691, in which lord Preston was the most distinguished actor, and of which Mr. Ashton was the sole unfortunate victim, remained, after all, like that of Montgomery in Scotland, to which it was a sort of counter-part, enveloped in a cloud of mystery. Either the government did not know, or which is more probable, did not chuse to disclose all the particulars of these dark and dangerous designs. The most interesting and important of the papers found in the possession of lord Preston, was indorsed "Heds of a remarkable conference *said to have passed* among certain lords and gentlemen, both whigs and tories, tending to shew that if the most christian king intended to impose king James upon the nation as a conqueror, he would find the bloodiest resistance imaginable; but that if he would be prevailed upon to assist him and his friends on the principles, and by the means therein specified, many lords and gentlemen would shew themselves to his satisfaction."

I. *The Result of the Conference.*

1st. F. (France) must either oblige or conquer us. If the last, he will find no helps here but a bloodier resistance than ever the Romans, Saxons or Normans

found, it being incredible how unanimous and obstinate that very thought renders the people; so that it may make us a heap of ruin, but no nation that can ever help or import any thing to F.

2d. If K. L. (King Louis) desires to oblige us, and make the work easy, that he may be at leisure to ply the empire or Italy, or to have an advantageous peace, he must take off the frightful character we have of him, and shew us he has no such design as returning our offended K. a conqueror upon us, but that he can and will be our friend and mediator, upon which terms he will find that many lords and gentlemen will speedily show themselves to his satisfaction, especially if he makes haste and loses no approaching opportunity.

3d. If he incline to this sort of sense, he must over-rule the bigotry of St. Germaine's, and dispose their minds to think of those methods that are more likely to gain the nation. For there is one silly thing or other daily done there that comes to our notice here, which prolongs what they so passionately desire.

The Methods thought upon are these :

First. To prevent dangerous and foolish intelligence, by forbidding all in that court to write any news hither, and that king James only have his correspondents by whom to hear from, and speak to, people here ; since letters so often miscarry, and are filled with nothing but what we should not hear, and what we have are arguments for the most part against the king's restoration.

Secondly. Since there is a great body of protestants that never defected, and that many thousands are re-

turning, and that they are the natural weight and power of these kingdoms, by having the heads, hands, and wealth of their side, to the odds and advantage of at least two hundred protestants to one catholic, the king may think of nothing short of a protestant administration, nor of nothing more for the catholics than a legal liberty of conscience; for *much e mutt* is against all other notions, to which all private passions and artificial frames in government must yield or break. He may reign a catholic in devotion, but he must reign a protestant in government. Cromwell could not, yet on a broader bottom, with a victorious army, subsist or keep what he had got.

Thirdly. He must give us a model of this at St. G. by preferring the protestants that are with him above the catholics; one being loyal upon less ties of interest, and to tell the nation here what they are to hope for when he comes.

Fourthly. He must give encouragement to lords and gentlemen here to come to him, at least seven or nine, for a standing council, which will make us here think that he is in some degree ours again, and that we have a relation to him, and some interest and share in him by the men of quality of our own religion that are with him. This will incomparably facilitate the matter here, nor will they, when they come, come empty and in their own names, which is still better, and will be more satisfactory there.

Fifthly. To induce this, English protestants should be encouraged, by an edict of liberty from the king of France, to have chapels at their own costs, in which to worship God after their respective ways, by which that

king will make us reflect upon his conduct towards his Huguenots rather to flow from the hazard he thought himself in by their anti-monarchical and resisting principles than a desire of persecution.

Lastly. All other requisite measures depending upon the acceptance which this finds, an answer hereunto is impatiently desired by those that have discoursed the king's business to this maturity. So ended with an unanimous consent, both tories and whigs, upon this occasion, that are in a way of closing in his interest.

II. *The Heads of the Declaration.*

That the king will return with a design of making an entire conquest of his people is so ridiculous, as well as difficult, that it needs not be spoken to.

That the king's declaration be worded in general terms that he will govern by the laws; that they shall be the rule of his actions; that he will endeavour to settle liberty of conscience by law; that whatsoever things were formerly done by him which occasioned jealousies in the minds of his people, shall be left to the determination of a parliament, to be formally and regularly called as soon as is possible.

That he has given sufficient evidence of his unwillingness to bring an army of strangers into his kingdom, by refusing the succours of France offered him, and which were even ready to be embarked upon the first notice of the Prince of Orange's intended invasion.

That he brings with him such an army only as is necessary for his own defence, and for the security of his loyal subjects who shall resort to him; that he will dismiss them as soon as he shall have rid the nation of those

foreigners who have invaded it, and trampled upon the laws and liberties of his people.

The king's large exercising his dispensing power gave the great alarm to his people, and contributed most of all toward a general defection. Yet when that power came to be debated in the last convention, there appeared so many difficulties in the limiting of it, every body, even the present judges, believing it necessary that a dispensing power should be in the king, that it was let fall, and that point remains as it was. And without mentioning that or any other particular, the king can be in no danger by leaving all things which have been the occasions of jealousies to the determination of a parliament where, besides the king's professed friends and servants, there will not want others who will be glad of opportunity to ingratiate themselves,

DECLARATIONS

OF

KING JAMES II.

A. D. 1692-3.

THE contrast between the two declarations of king James, published in the years 1692 and 1693, the one previous and the other subsequent to the decisive victory of La Hogue, is very obvious and striking. That of 1692, composed under the influence of the earl of Melfort, and in the high and sanguine hope of success, is harsh and imperious; that of 1693, framed according to the sage advice of the earl of Middleton, and in the hour of humiliation and disappointment, is full of condescension and generosity. The promises and professions contained in the first were vague and illusory, in the second clear and explicit; the latter was indeed, in all respects, the best declaration ever promulgated by the abdicated monarch; but it most certainly spoke not the sentiments of his heart; for it was belied by the whole tenor of his actions and conduct. Fortunately for the kingdom it did not appear till the prospect of a counter-revolution became hopeless and desperate. It will serve as a gratification of political curiosity, and it may also answer the higher purpose of affording serious and useful matter of reflection, to make some considerable extracts from both.

1st Declaration of King James.

Though an affair of this importance spoke for itself, and though he did not think himself obliged to say any thing more than that he came to assert his just right, and to deliver his people from the oppressions they lay under, yet when he considered how miserably many of his subjects had been cheated into the late revolution by the arts of ill men, and particularly by the Prince of Orange's declaration, he had thought-fit to do what lay in his power to open the eyes of his subjects. That when he, the prince, had thrown off the mask—when his majesty was universally deserted and betrayed by his army, his ministers, his favourites, and his very children, and at last rudely forced by a guard of foreigners from his own palace, it was high time for him to provide for his own security, which he could no otherwise do than by taking refuge in France.—That how this escape of his came to be treated as an abdication, and what a strange superstructure had been raised upon it by a Company of men illegally met, who, without power to alter the property of the meanest subject, had taken upon them to destroy the whole constitution, and to make an hereditary monarchy become elective, &c. were transactions too well known to need repetition. That when the nation considered the temper and complexion, the methods and maxims of the present usurper, they would find all the reason in the world to believe that the beginning of his tyranny, like the five first years of Nero, was like to prove the mildest part of it.—That if it should please God, as one of his severest judg-

ments upon these kingdoms for the many rebellions and perjuries they had been guilty of, to continue the usurpation during his life-time, an indisputable title would survive in his issue.—That since he came with so good purposes, and so good a cause, he hoped he should meet with little opposition; and that none might be forced to continue in rebellion by despair of mercy, he promised and declared, by the word of a king, that, *except certain persons there enumerated,* all who, by an early return to their duty, and giving any signal mark of it, should manifest the sincerity of their repentance, should not only have their respective pardons under the great seal, but be farther considered and rewarded. That it should be his great care, by the advice and assistance of parliament, to repair the breaches and heal the wounds of the late distractions; and that generally it*

* Namely, the duke of Ormond, the marquis of Winchester, the earls of Sunderland, Bath, Danby and Nottingham, the lords Newport, Delamere, Wiltshire, Colchester, Cornbury, Dunblain, and Churchill, the bishops of London and St. Asaph, Sir Robert Howard, Sir John Worden, Sir Samuel Grimston, Sir Stephen Fox, Sir George Treby, Sir Basil Dixwell, Sir James Oxenden, Dr. Tillotson, Dr. Burnet, Francis Russel, Richard Levison, John Trenchard, esqrs. Charles Duncomb of London, Edwards, Napleton, and Hunt, fishermen, and all those who offered him personal indignities at Feversham; also all persons who as judges, jurymen, &c. had a hand in the *barbarous murder* of Ashton and Cross, (convicted of high treason for going on board the French fleet to give intelligence, in the summer of 1690) &c. and all spies. But in fact it was of little importance who were included in the long and black catalogue of exceptions, for by limiting the promise of pardon to those only who came in *early*, and who should afterwards give *any signal mark of the sincerity of their repentance*, the whole kingdom was completely at his mercy.

should be his delight to spend the remainder of his reign as he had always designed, since his coming to the crown, in studying to do every thing that might contribute to the re-establishment of the greatness of the English monarchy, &c. "Thus, says the abdicated monarch in conclusion, having endeavoured to answer all objections, and to give all the satisfaction we can think of to all parties and degrees of men, we cannot want ourselves the satisfaction of having done all that can be done on our part, whatever the event shall be. And, as on the other side, if any of our subjects, after all this, shall remain so obstinate as to appear in arms against us, they must needs fall unpitied under the severity of our justice, after having refused such gracious offers of mercy, so they must be answerable to Almighty God for all the blood that shall be spilt, and all the miseries and confusions in which these kingdoms may happen to be involved by their desperate and unreasonable opposition."

* * * *

This is a genuine picture of pride, bigotry, and revenge, and happily also of the most consummate folly. Such a declaration had the most direct tendency to unite all hands and all hearts against its author. Never were monarch and minister actuated by more congenial spirits than James, and his favourite adviser the earl of Melfort. But the sagacity and moderation of the earl of Middleton, whom he could not but know that a vast majority of his partizans regarded with an affection and veneration equal to the detestation and contempt they entertained for Melfort, prevailed so far as to induce him to issue, at a time when it could produce little comparative effect, the following :

2d Declaration,

In the preamble to which he expressed his desire to give the fullest satisfaction to all men, and to be beholden to the love of his subjects rather than to any other expedient whatsoever, for his restoration. He then declared, "That when he reflected upon the calamities of his kingdom he was willing to leave nothing unattempted that might reconcile his subjects to their duty; that though he would not enter into all the particulars of grace and goodness which he was willing to grant, yet he did assure them they might depend upon every thing that their own representatives should offer to make them happy; it being his noblest aim to do more for the constitution than the most renowned of his ancestors: and in his opinion his chiefest interest to leave no umbrage for jealousy in relation to religion, liberty and property. That for his part he was ready and willing to lay aside all thoughts of animosity and resentment for what was past, and desired nothing more than that it should be buried in perpetual oblivion. That he did by this his declaration, under the great seal, solemnly promise his free pardon and indemnity to all who should not oppose him and his adherents in a certain number of days after his landing; that he would with all speed call together the representative body of the kingdom; that from them he would inform himself what were the united interests and inclinations of his people, and that with their concurrence he would be ready to redress all their grievances, and give all those securities of which they should stand in need; that he

would protect and defend the church of England as it was then established by law ; that he would with all earnestness recommend to that parliament such an impartial liberty of conscience as *they* should think necessary for the happiness of these nations ; that he would not dispense with, nor violate the test ; that for the dispensing power in other matters, he would leave it to be explained and limited by parliament ; that he would also give the royal assent to all such bills as were necessary for the frequent calling and holding of parliaments, the free election and fair returns of members, and to provide for impartial trials ; and that he would ratify and confirm all such laws made under the present usurpation, as should be tendered to him by that parliament ; that in the same parliament he would also consent to every thing that they should think necessary to re-establish the late act of settlement in Ireland, made in the reign of his dearest brother ; that if any part of the crown revenue had been burdensome to his subjects, he was willing to exchange it for any other assessment which should be thought more easy ; that in all these several concessions he had followed the advice, and conformed to the intimations which he had received from great numbers of his loving subjects, of all ranks and degrees, who had adjusted the manner of his coming to regain his own right, and relieve his people from oppression and slavery. That whereas his enemies had endeavoured to affright his subjects with the apprehension of great sums to be repaid to France, he did positively assure them that his dearest brother, the most christian king, expected no other compensation for what

he had done for him, than merely the glory of having succoured an injured prince; and that he besought God to give him success in the prosecution of his right, as he sincerely intended to confirm the liberties of his people.

OVERTURE
OF
FRANCE FOR PEACE.

A. D. 1693.

THE war in which France had been engaged for several years past, in consequence of the league formed against her at Augsburg, though carried on with a flow of success not great or rapid indeed, but almost uninterrupted on her part, was by no means consonant either to the interest or inclinations of her sovereign. The dreams of conquest once indulged by Louis XIV. had now passed away, the illusions of glory by which he had been so long deceived were in a great measure dissolved, and he began at length to know the value of peace. Though France still retained her ascendant in the field, under the auspices of Luxemburg and Catinat, the efforts she made were much more than proportionate to the advantages gained. The contest was in fact unequal, and the superiority she affected was attended with hatred and envy, and preserved with pain and difficulty. Impressed with these considerations, the French monarch had already made various secret, but ineffectual advances towards obtaining a peace. So early as in the year 1691, overtures had been made to the court of Vienna, without success. At the commencement of the present year (1693), was discovered an artful and insidious intrigue of the court of Versailles in Holland, for the same purpose. M. Hal-

lewyn, senior burgo-master of Dordt, was accused of going into Switzerland, and there entering into a concert with M. Amelot, the French minister to the cantons, for setting on foot an unauthorized and clandestine negotiation for peace, in contempt of the several edicts prohibiting all correspondence with France. On the examination of this magistrate, king William himself attending in person, it appeared that he had received at his house an emissary from France, named M. Roberti du Plesis, who was empowered to promise him the payment of 20,000 crowns, in case he could prevail upon the city of Dordt to declare for peace, and that the example of Dordt should be followed by other cities, so as to come under the cognizance of the states general. The whole intrigue being clearly proved, the burgo-master was sentenced to imprisonment for life, and the confiscation of property. The French monarch perceiving the necessity of a more public disclosure of his sentiments, commissioned the Dauphin, who accompanied M. de L'Orges, in the summer of 1693, into Germany, to publish a manifesto, containing proposals of accommodation, on the basis of the treaties of Westphalia and Nimeguen, offering Montroyal and Traerbach as an equivalent for Strasburg, an annual revenue to the duke of Lorraine in lieu of his dutchy, and expressing his willingness to submit the questions arising from the reunions to the arbitration of the republic of Venice.

Memorials having been presented from the court of Versailles to the kings of Sweden and Denmark, conformable to this manifesto, and requesting their good offices, the ministers of those powers communicated the contents of them in form to the imperial diet assembled

at Ratisbon, by whom the conditions proposed were treated with much contempt, and it was declared that no satisfaction would be accepted short of a restitution of all that France had usurped or acquired since the treaty of the Pyrenees. Not discouraged by these disappointments, the king of France, at the end of the year, made new overtures of peace to the court of Copenhagen, in which were included various new concessions. And the Danish minister resident in London, presented, in consequence, to the king of England, by orders of his sovereign, the following memorial, dated December 11th (O. S.) 1693:

SIR,

THE desolation this present war carries into most parts of Europe, together with the duty incumbent on a christian king to apply all the remedies that lie in his power to so general a calamity, oblige the king of Denmark, my master, to impart to your majesty those proposals of peace which the most christian king has communicated to him. My master might have reason to decline his offices towards the peace of Europe, and taking upon him so important a negotiation, since the advances he has already made, as well as the king of Sweden, have not only proved ineffectual, but likewise have been so misconstrued as to render them suspected. Nevertheless it is most evident that, without any prospect of private interest (the union of the northern crowns, for the security of the trade of their respective subjects, being so well established, and enjoying the privileges of neutrality, that the continuation of the war might very much encrease the riches of their majesties' dominions)

the public welfare of Europe, and the desire to see a just and lasting peace restored, have prevailed above all other considerations. Wherefore the king, my master, has represented to the most christian king, that the proposals which he has made hitherto towards a general peace have been looked upon by the confederates rather as a means to disunite them, and to crush and subdue them one after another, than as a mark of his sincere intentions of settling the public repose. But his most christian majesty, to remove all manner of distrust, has not only by repeated protestations assured the king, my master, of the sincerity of his sentiments in this affair, but has likewise delivered a project of general peace, and added to the conditions that concern the empire, and which are already known to your majesty, some others relating to the rest of the allies, which are comprehended in the following heads:

I. That, notwithstanding the advantages his arms have gained this campaign, no alterations shall be made in the conditions his most christian majesty has already offered to the emperor, the princes and states of the empire, and the dukes of Lorraine and Savoy.

II. His majesty shall restore to the catholic king the important place of Roses, that of Belvers, and whatever has been conquered in Catalonia during the present war.

III. Towards the forming a barrier in the Low-countries, which may remove all manner of jealousy and uneasiness from the states of Holland, his most christian majesty shall, upon that consideration, restore the places of Mons and Namur to the king of Spain, and cause Charleroy to be razed.

“ IV. His said majesty shall restore to the bishop of Liege the town and castle of Huy, and recompense him for Dinant and Bouillon, by annexing, upon that account, to his bishopric such a portion of the country of Luxemburg as shall be most convenient to that bishop, and judged equivalent by arbitrators.

“ V. His majesty consents that the treaty of commerce made at Nimeguen, with the states, be renewed without any alteration.

“ VI. His majesty thinks the states of Holland will be glad to obtain such important restitutions, and to put an end to the war by a peace so advantageous both to Spain and all the allies; especially after the prosperous campaigns of France, which may still be attended with others no less successful. But that neither Holland nor any other state of Europe may have any ground of apprehension that, upon pretence of new rights, his majesty will extend the boundaries of his dominions in the Low-countries beyond what shall be regulated by the treaty, his majesty declares, that in case the king of Spain dies without issue, he consents that the Low-countries fall to the share of the duke of Bavaria, upon condition that the emperor makes the same declaration. And his majesty shall as well for himself, as for the Dauphin, his son, confirm the said renunciation by all the formalities necessary for that purpose in behalf of his electoral highness.

“ His most christian majesty hopes that this last engagement will more than any thing besides secure to the confederates the firmness of the peace he shall make with him. And he thinks that after such advantageous proposals the world will soon know whether Europe

may hope to see the public tranquillity restored ; or whether the preparations of war are to be renewed.

“ This, sir, is what the most christian king has communicated to the king, my master, and which his majesty has commanded me to impart to you. He does in no manner pretend to prescribe rules to your majesty, since your prudence will best judge what is most for your glory and interest ; but however he thinks these proposals deserve a serious consideration. And, because there is no mention made of England, the king, my master, has made it already his business to incline the most christian king not to insist upon that which might put a stop to the general peace. In the mean time, the king, my master, thinks it necessary that, in order to advance a work so profitable and beneficial to all Europe, a negotiation be set on foot ; and his majesty is the more confirmed in this opinion by reason the winter will soon be over ; and that it is to be feared, lest by delaying till the next campaign, an opportunity be given to France either of enlarging her conquests, or by a powerful irruption into Germany, and the superiority of her forces, to divide the confederacy ; which would give a just pretence to that crown of recalling the offers she has already made, and render a peace very difficult, if not altogether impossible. The king, my master, does not only offer to become guarantee with all the princes and potentates that will concur with him, but likewise to unite himself, in particular, with your majesty, by a most strict and indissoluble alliance.

“ Upon the whole matter, the king, my master, is persuaded that nobody has more reason to contribute to this peace than your majesty, since it will confirm to

you the glory and advantages you have gained during the war ; and will besides make Europe to be eternally beholden to your majesty for the peace she groans after. If your majesty thinks that there is any thing defective in relation to the security of the peace, or that wants to be either altered or explained, the king, my master, engages to procure to your majesty all the satisfaction imaginable : and if you are pleased to confide in his mediation, he will manage it to your majesty's entire satisfaction. Lastly, the king, my master, has commanded me to assure your majesty, that being upon several accounts concerned in the prosperity of your royal family, he will, to the utmost of his power, promote its interest and advantage ; and desires your majesty to be persuaded that all the advances he has made in this affair have no other aim, and are grounded on no other principle.

Had the mediation of the king of Denmark, thus handsomely and liberally offered, been fortunately accepted, the war might probably have been shortened some years in its duration ; as there is every reason to believe that peace might have been at this time obtained, upon as good, or better terms than those it was afterwards concluded upon at Ryswick, A. D. 1697. But the confederacy had not yet relinquished the hope of humbling the pride and power of France ; and experience only could teach them the necessity of lowering the tone of their demands, as they became gradually and reluctantly convinced of the vanity of their too sanguine expectations. From this æra, however, France seemed anxious not to inflame the resentment of the

confederate powers, by aiming at new conquests; and during the remaining years of the war, she stood merely upon the defensive, in the grand scene of action in the Low-countries: and her efforts were chiefly exerted in Spain and Italy, with a view to compel the courts of Madrid and Turin to acquiesce in her propositions for peace; without entertaining any wish or design to retain her conquests beyond the Alps or the Pyrenees.

MANIFESTOES
OF
KING JAMES,
RELATIVE TO
THE PEACE OF RYSWICK.
A. D. 1697.

DURING the negotiations at Ryswick, king James published two manifestoes; the first addressed to the catholic, the second to the protestant powers of Europe, filled with extravagant assertions and querulous complaints, to which no sort of regard was paid by either. They were, however, for a time viewed in a serious light by the court of London, and a very able and excellent answer was, in consequence, drawn up under the immediate inspection and special direction of king William himself. But upon being apprized that to answer the manifestoes in question, would be only to give them that sort of credit which they did not at present possess, the design was dropped. In order that the pains bestowed upon the answer might not, however, be wholly lost, it was thrown into a new form and published, after a considerable interval, not in the name of the king, but as the reply of a private individual.* The manifestoes of James are very long and tedious, but a few extracts

* Ralph, vol. ii. p. 730.

from them may be of use, as well to exhibit a specimen of the spirit in which they are written, as to introduce with propriety and effect the answer of William.

The abdicated monarch begins his first memorial with acknowledging his apprehensions that truth itself might not prevail against the prejudices of the times, but he could no longer conceal the reasons which ought to induce the christian powers to contribute to his re-establishment, without failing in his duty to God, to himself, his son, and his people. He ascribes all his sufferings to his religion, which was no sooner discovered, says he, but it gave rise to the persecution against him. His government he declares to have been so just and moderate as to procure him the affection and esteem of all good men. Yet no sooner did the prince of Orange set foot in England, than the greatest part of the nation revolted; and he was abandoned and betrayed by his officers, his domestics, and even his own children. And the princes, his confederates, drove his ministers from their courts, and treated his majesty as a declared enemy. Every body knew that, by the fundamental laws of England, the kings of England were answerable for their actions to none but God alone; that, however, his majesty had done nothing but what had the sanction of those laws, and the approbation of the twelve judges.

That there was a defensive alliance subsisting between him and the states general, which he had never violated; whereas the states, instead of assisting him against every invader, had enabled the prince of Orange to invade their dominions, while Van Citters, their minister

at London, all the while assured his majesty, his masters would religiously maintain a good correspondence with him. He expressed his astonishment that princes so zealous for religion and justice as the emperor and the king of Spain had always appeared, should become the confederates of an heretical usurper in so enormous an action as the dethroning a lawful king, a catholic, his uncle, and his father-in-law. That if his enemies should avail themselves of the necessity which they had brought him under, to abandon his dominions in order to save his life, and urge it as a reasonable plea for depriving him of his crown, no doubt that very plea would convince all reasonable persons of their unjust procedure; for no such person could help seeing that this was making a jest of sovereignty—that the confederate princes knowing the eyes of all Europe were now upon them, and beginning to be already convinced of the misrepresentations and falsehood which had surprised them into such prejudices against his majesty, would act as their safety, their honour, their consciences, and the good faith of the catholic religion required, in contributing all in their power to his re-establishment—that for the said princes to adhere to the interests of the prince of Orange, merely because they looked upon him as an irreconcilable enemy to France, was to act in a manner irreconcilable to the dictates of their holy religion, and to render themselves unworthy of God's blessing—and that, upon the whole, he could not, without indignation, listen to the expedients which had been talked of by some to accommodate his affairs, namely, of leaving the prince of Orange in possession of the crown for life, on condition it should be secured, on

his death, to the prince of Wales ; as if it was possible for his majesty, with a safe conscience, to abandon the justice of his cause, together with his duty to God, to his posterity, and to his subjects, by authorizing and legitimizing what a tumultuous assembly, without authority, had enacted in favour of an usurper, and against the religion, &c.

In the SECOND memorial or manifesto, addressed to the protestant powers, he declares that the observance of oaths, the obedience due to lawful sovereigns, and to the laws of society, were equally binding to all who called themselves christians, and even to nations the most barbarous. Neither could any of the said protestant princes and states deny that they had complimented the said king on his accession to the throne, and on the birth of the prince of Wales ; that they had entered into treaties with him, &c. How then could they excuse themselves for having broke their faith to his majesty, and united with his enemies against him, without any previous declaration of war, without the least cause of complaint, or, as it should seem, the shadow of any, seeing that, since the Revolution, they had assigned none, &c.

The ANSWER to the first memorial begins with observing, “ that the king of Great Britain does not wonder to see a prince, who has for so long a time sought to take away his life in the blackest methods, endeavour now, likewise, to attack his honour even in the indecentest expressions, of which the late memorial is full. The late king, while he was in Ireland, did himself concert with one Jones, the way of murdering the king. But so tender was his majesty of the honour of a person so nearly related to him, that he gave order to suppress that

matter, though the authentional proofs of it are yet extant in letters and other papers taken in the late earl of Tyrconnel's cabinet.* Grandval's confession is well known; and sir John Fenwick did lately claim merit, by his diverting another design to murder the king, pur-

* The account given by bishop Burnet, from whom alone we have any particulars of this nefarious design, is as follows: " Among the earl of Tyrconnel's papers there was one letter writ to queen Mary, at St. Germaine's, the night before the battle, *i. e.* of the Boyne. But it was not sent. In it he said he looked on all as lost, and ended it thus: ' I have now no hope in any thing but in Jones's business.' The marquis of Carmarthen told me, that some weeks before the king went to Ireland, he had received an advertisement that one named Jones, an Irishman, who had served so long in France and Holland, that he spoke both languages well, was to be sent over to murder the king. And sir Robert Southwell told me that he, as secretary of state for Ireland, had looked into all Tyrconnel's papers, and the copies of the letters he wrote to queen Mary, which he had still in his possession. And he gave me the copies of two of them. In one of these he writes that Jones was come; that his proposition was more probable and liker to succeed *than any yet made*. His demands were high, but he added—if any thing can be high for such a service. In another he writes, that Jones had been with the king, who did not like the thing at first: but, he added, we have now so satisfied him both in conscience and honour, that every thing is done that Jones desires. Southwell farther told me, that Neagle, the attorney-general, had furnished him with money, and a poignard of a particular construction. He was for some time delayed in Dublin, and the king had passed over to Ireland before he could reach him. We could never hear of him more: so it is likely he went away with his money. A paper was drawn of all this matter, and designed to be published; but upon second thoughts, the king and queen had that tenderness for king James, that they stopped the publishing to the world so shameful a practice. The king said upon this to himself, that God had preserved him out of many dangers, and he trusted he would still preserve him."—Burnet, vol. iii. p. 76.

suant to a commission, that though it was not come over, yet was affirmed to be signed by the late king. His having laid the design of murdering the king a year ago, and his having sent over persons, and a commission to that effect, have been so undeniably proved, that all Europe is still full of horror at it. At such practices heathens would be ashamed. The pursuing them year after year deserves severer words than the king thinks fit to use, even after such a provocation; such regard is had to the high birth and the rank which that prince once held in the world. The king had the less reason to expect such practices from the late king, because, though he had him so long in his power he did him no hurt nor put him under any restraint. He refused to hearken to the advices that many gave him of securing his person till a general peace should be made; or at least till Ireland should be reduced. Some who offered those advices are now in the late king's interest; and can, if they please, inform him of the truth of this matter. The late king himself desired to be attended by some of the Dutch guards when he went to Rochester, and sent to the count de Solmes to that effect; who immediately ordered it, without any direction of the king, who was not then come to London. When the king knew of it, he sent orders to those guards to wait about the late king in what manner he himself should command. His majesty did not come to England on design to dethrone the late king, but declaring a full purpose to leave the care and settlement of the nation to the parliament. And when some lords were sent to him by the late king, to ask him what it was that he proposed, his answer was, that he desired that the administration of the govern-

ment might be brought into a state conformable to the laws then in being; so that no persons who were under legal incapacities might continue in public offices or trust, and that a parliament might be called and sit in full freedom, both armies being at an equal distance from it: that so proper remedies might be applied to all the distempers into which those violent counsels had thrown the nation. By this it appeared how firmly the king had adhered to his declaration. During this negotiation, and after the late king had notice given him what the king's demands were, he, upon reasons best known to himself, threw up all, and abandoned the government: and left his army loose upon the nation, and the rabble upon the city of London, and withdrew himself; by which he did all that in him lay to cast these kingdoms into most violent convulsions, and exposed even his own friends to all the hardships that might have been apprehended from enraged multitudes. For if the providence of God, and the natural gentleness of the people of England, had not proved effectual restraints, this nation had become a scene of fire and blood, which the enemies of this kingdom persuaded the late king to venture on, rather than to stay and suffer a parliament to inquire into the causes of the miseries the nation was fallen under, and to secure their religion and property. Upon this, that part of the nation, which had till then adhered to the late king, finding themselves abandoned by him, desired that the king would assume the administration of his forsaken government; which he consented to do till a convention of the states should be brought together to give it a full and legal sanction. He did take a most particular care that the

elections should be carried on with all possible freedom; not only without violence and threatenings, but even without recommendations or any sort of practice, how usual and how innocent soever. The like care secured their liberty when they met. Every man argued and voted in the great deliberations then on foot, both with freedom and safety. Nor did the king speak to any person, or suffer any to speak in his name to persuade, much less to threaten, those who seemed still to adhere to the late king's interest: so strict was he in observing the promises he had made in his declaration. It was thought a remissness and a hazarding the public too much to interpose or move so little in those matters as he then did. The convention came to a full resolution, and judged that the late king had broke the *original contract* upon which this government was at first founded, and after that had abandoned it; so that it was necessary for them, being thus forsaken by him, to see to their own security. And as they judged that the late king's right to govern them was sunk, so they did not think it was necessary or incumbent on them to examine that which the whole nation in general, as well as the king in particular, had just reason to call in question, concerning the birth of the pretended prince of Wales. When the late king had quite dissolved the tie of the nation to himself, they thought they had no farther concern upon them to inquire into that matter; and therefore they thought fit to let it remain in that just doubtfulness under which the late king's own method of proceedings had brought it. Besides that, a particular care had been taken by the late king to cause all those who had been in the management of that matter, or

were suspected of having a share in the artifices about it, to be carried over into France, so that it was not possible to come at those persons, by the interrogating of whom, truth might have been found out. The king expressed no ambitious desires of mounting the throne. The addresses of both houses, and the state of Europe, which seemed desperate without a mighty support from England, determined him in that matter. But as he can appeal to God of the sincerity of his intentions, who alone knows them, so he has an infinite number of witnesses who saw, and can justify, his whole conduct in the progress of that revolution, if it were fit for him to appeal to them."

In the answer to the second memorial of king James, it is observed in justification of the Revolution, "that nothing was done in the progress of it but that which he made inevitable by some act or other of his own. It went not upon false suggestions, nor barely upon the pretences of redressing particular grievances or some doubtful oppressions, much less on the ambitious designs of his majesty, that are so often and so maliciously represented as the true causes of the Revolution. It was the late king's open throwing off the restraint of law, and his setting about a total subversion of the constitution, that drove the nation to extreme courses. The oaths of allegiance can be understood only in the sense limited by law, and so they cannot be conceived to bind subjects to a king who would not govern them any longer unless he might be allowed to do it against law. A revolution so brought about carries in it no precedent against the security of government or the peace of man-

kind. That which an absolute necessity enforced at one time, can be no warrant for irregular proceedings at any other time, unless it be where the like necessity shall require the like remedies. But since the late king thinks fit to reflect on the oaths of subjects, he ought also to remember the oath which he himself swore at his coronation, to defend the church of England, and to maintain the laws; to neither of which he shewed any regard in his whole government, but set himself to overturn both. The many alterations that have been made in the succession to the crown of England upon occasions that were neither so pressing nor so important as those of late were, should have obliged those who penned this memorial to be more reserved and less positive in affirming things so contrary to the known history of this kingdom. These revolutions were confirmed by laws which were not afterwards, upon succeeding changes, repealed; for they continue still in force. Nor was the crown of England ever reckoned to be such a property to those who held it, that they might use it or dispose of it at pleasure, as the memorial seems to suppose."

A third manifesto or protest against the peace about to be concluded, "without his participation," dated June 8, 1687, and addressed to ALL the princes and powers of Europe, was afterwards published by king James, of which no sort of notice was taken in any mode whatever, by any of the parties concerned.

CONFERENCES OF HALLE.

A. D. 1697.

THERE can be no doubt, from the positive testimony of king James's memoirs, corroborated by those of the duke of Berwick, that in the famous conferences held at Halle, between marshal Boufflers and the earl of Portland, pending the negotiations at Ryswick, overtures on the part of the king of France were made by the former in favour of the infant son of James, which were not wholly rejected by William : but the folly and bigotry of the abdicated monarch rendered all such projects impracticable.

We have, from two very high authorities, narratives somewhat vague and general indeed of what passed at these conferences ; but neither bishop Burnet, who received his account from the earl of Portland, or M. de Torcy, who had his information, in all probability, from M. Boufflers, make the least mention of the overtures above alluded to ; both the negotiators being, no doubt, under strong injunctions of secrecy as to this point. The statement of Dr. Burnet is as follows :

“ While they were negotiating, by exchanging papers, which was a slow method, subject to much delay, and too many exceptions and evasions, the marshal Boufflers desired a conference with the earl of Portland, and by the order of their masters they met four times, and were long alone. That lord told me himself that the subject of these conferences was concerning king

James. The king desired to know how the king of France intended to dispose of him, and how he could own him and yet support the other. The king of France would not renounce the protecting him by any article of the treaty; but it was agreed between them that the king of France should give him no assistance, nor give the king any disturbance on his account, and that he should retire from the court of France, either to Avignon or Italy. On the other hand, his queen should have 50,000*l.* a year, which was her jointure settled after his death, and that should now be paid her, he being reckoned as dead to the nation; and in this the king very readily acquiesced. These meetings made the treaty go on with more dispatch, this tender point being once settled.”—*Bishop Burnet's History*, vol. iii. p. 277.

It is obvious to remark on this account, that the bishop erroneously supposed the object of the conferences to have been merely the satisfaction of king William, in relation to the disposal of the person of king James: although, had this been the fact, the first overture must doubtless have proceeded from the king of England, and not from the king of France, contrary to the bishop's own statement. The narrative of the marquis de Torcy is more full and satisfactory.

“Vers la fin de l'été, 1697, les traités de la paix générale étant prêts à signer à Ryswick, & les armées encore en campagne, le maréchal de Boufflers eut à la vue de l'une et de l'autre armée, quatre conférences avec le comte de Portland, né Hollandois, confident intime du roi d'Angleterre dont il avoit été page. On a fausement publié que le partage de la succession d'Espagne

avoit été réglé dans les conférences ; il n'en fut pas question, elles roulerent sur trois articles.

“ Le roi Guillaume demandoit par le premier, que ses ennemis ne reçussent ni secours ni assistance de la part de la France. Il spécifioit particulièrement le roi Jaques II. son beau-père : et pour plus grande sûreté, Portland insistoit à faire sortir de France ce Prince infortuné, et à l'obliger à porter ses malheurs, soit à Rome, soit en tel autre lieu de l'univers qu'il lui plairoit de choisir.

“ Le maréchal de Boufflers demandoit de la part du roi, d'insérer dans le traité de paix qu'il seroit accordé une amnestie générale aux Anglois qui avoient suivi le roi Jaques en France, & de plus, la restitution de leurs biens, condition que le comte de Portland rejetta, sous prétexte que le roi son maître ne seroit pas en sûreté en Angleterre s'il consentoit à l'accorder.

“ Le troisième article agité dans ces conférences regardoit la ville d'Orange. Le maréchal de Boufflers demandoit que l'entrée & toute habitation dans cette ville fussent interdites aux sujets du roi, qui prévoyoit que les nouveaux convertis attachés encore à leurs premières erreurs, accourent des provinces dont Orange est environnée, & s'établissent dans cette ville, s'ils en avoient la liberté.

“ Portland soutint que l'interdiction demandée seroit contraire à la prétendue souveraineté d'Orange ; toutefois il convint que le roi son maître donneroit secrètement parole d'empêcher tout sujet du roi de s'établir à Orange sans la permission de sa majesté.

“ Les conférences roulerent sur ces différens articles.”

Memoires de M. de Torcy, vol. i. p. 24-5.

P A P E R S

RELATIVE TO THE

FIRST PARTITION TREATY.

A. D. 1698.

S E C T. I.

EXTRACT FROM TORCY'S MEMOIRS.

AFTER the peace (i. e. of Ryswick) the earl of Portland, by birth a Hollander, came to France in quality of ambassador extraordinary from the king his master. He protested that, in conformity to the intentions of his sovereign, he ardently desired to contribute to the establishment of that perfect intelligence which the king of England wished to form, and to entertain with his majesty, persuaded that this union, absolutely necessary to the welfare of Europe, was in consequence no less so to the permanency of the peace.

The event most likely to disturb the peace of Europe was the death of the king of Spain. There was every reason to expect that this catastrophe must soon take place; the maladies of that prince being frequent, and his weakness of constitution such, that each relapse threatened to be fatal. King William, a prince able and enlightened, could not be blind to the commotion which this great event would produce in Europe. He knew, of consequence, the necessity of taking just measures, and timely ones, in order to prevent the renewal of a general war. His ambassador affirmed that this prince

wished to merit the friendship of the king; and being himself in possession of his master's confidence, there was ground to believe that he had been destined to this important mission in preference to an Englishman whose fidelity might have been less tried, and more liable to suspicion.

These circumstances, joined to the sincere desire of maintaining the peace, determined the king to propose to the king of England, a PARTITION of the SPANISH MONARCHY, nearly in the spirit of that which his majesty had made with the emperor Leopold in the year 1668.

The Prince of Orange, become king of England under the name of William III. had been the oracle of the league formed against France during the last war. He disposed with sovereign power all the resolutions of the republic of Holland, and although thwarted in England, to which country he had been invited and received ten years before as the deliverer of the nation, he might be certain that he would not be opposed in the measures he might take to maintain the peace, the power of making which, as well as of declaring war, is included in the prerogative of the kings of England, notwithstanding the limits which the laws of the country prescribe to the royal authority.

The two ministers whom the king ordered to confer with the earl of Portland, had it in charge to propose a treaty between his majesty and the king of Great Britain, to regulate the partition of the monarchy of Spain, upon the model of the eventual treaty made between the king and the emperor, in 1668. As he was ignorant of the intentions of the king his master, re-

lative to a proposition entirely new to him, and of such importance, he desired time to dispatch a messenger, and to receive orders from his court; persuaded, however, that his sovereign would receive the project confided to him by his majesty as a certain proof of the desire which the king had already testified of preserving the peace inviolate.

It was then the month of March, 1698. The count de Tallard, since marechal and peer of France, whom the king had named ambassador extraordinary to the king of England, departed for London, apprized of the proposition made to the earl of Portland, and charged to inform his majesty of the answer of the king of Great Britain.—Vol. i. p. 252-8.

SECT. II.

LETTERS FROM KING WILLIAM TO PENSIONARY HEINSIUS.

Kensington, January 3, 1698, N. S.

SINCE my last I have received your letters of 27th and 31st December. What the French ambassadors have said to you, that something must be done by the Republic, France and me, towards maintaining the peace, surprizes me much: and I am of opinion, with you, that it relates to the guarantee between the emperor, the empire and us. The earl of Portland will readily be able to get to the bottom of this affair in France; and this is a further reason for hastening his departure as much as possible.

WILLIAM R.

Windsor, March 18, 1698.

I SEND you herewith a letter I received yesterday evening, by a courier, from the earl of Portland; you will judge of the great importance of the affair. I have writ to him to keep this important negotiation on foot, and to try to bring the French to particulars, that one may then be the better able to judge what is possible to be done in this business. I beg you will write your sentiments on this important affair to the earl of Portland, by a courier, that it may be done with secrecy, for you know of what consequence it is. You will recollect the discourse we had on this subject at Loo, and I believe also at the Hague. It will be necessary you should write rather amply to the earl of Portland, and send me a copy of the letter for my information, and also return his to me, for you see I have not a copy of it.

WILLIAM R.

INCLOSURE.

HIER Messrs. de Pomponne & de Torcy me vinrent voir, et me dirent, que c'étoit par ordre du Roi Tres-Chrétien pour me dire qu'il vouloit bien se servir de moi dans une chose de la plus grande importance, et qui demandoit le plus grand secret: qu'il me temoignoit avoir une entiere confiance en moi. Après que j'avois répondu comme je devois, Mons. de Pomponne dit que comme les sentimens du Roi son maître étoient sincères pour le maintien de la paix, et que l'on étoit entièrement persuadé que ceux de V. M. étoient de même, il falloit songer à ce qui en pourroit causer l'interruption, pour s'entendre à la prévenir; que la mort du Roi d'Es-

pagne, qui pourroit survenir inopinément, et laquelle rameneroit les mêmes troubles, dont nous venions de sortir, étoit de cette nature que le Roi T. Chr. souhaitoit d'entrer avec V. M. dans les liaisons qui pourroient prévenir de si grands maux ; que l'Espagne tombant entre les mains de l'empereur il se pourroit rendre maître de toute l'Italie, et si absolu dans l'empire que nous avions tout lieu de craindre sa trop grande force ; que pour cet effet le Roi T. Chr. souhaitoit d'entrer en concert avec V. M. touchant la dite succession, & souhaitoit de savoir si elle inclinoit, et quelles conditions & sûretés elle voudroit pour entrer. Je lui repondis que j'étois surpris de la proposition qu'il me faisoit, quoique je ne pouvois pas manquer de considérer la mort du Roi d'Espagne comme une chose que nous rejettoit indubitablement dans la guerre. Que cependant l'on regardoit cela comme un mal inévitable, et que l'on espéroit seulement que cela n'arriveroit pas sitôt ; que je voyois l'intérêt de l'Angleterre et de la Hollande de s'opposer à un accommodement, tant à l'égard de la force de mer, que du commerce par tout le monde ; que je ne voyois pas comment il étoit possible que V. M. peut faire aucune réponse, qu'en général, sur une telle proposition, à moins que l'on ne me dit les sentimens du Roi T. Chr. à l'égard des particularités de ce qu'il vouloit proposer. Il me répondit qu'il ne pouvoit pas entrer dans des particularités, tant que l'on ne savoit pas vos sentimens en général, et qu'alors même il falloit savoir d'elle ce qu'elle jugeroit convenable pour l'intérêt & la sûreté des deux nations. Je dis que j'étois sur quand j'écrivois à V. M. dans les termes généraux dans lesquels il me parloit, que je ne pouvois attendre tout au mieux d'autre réponse, sinon qu'elle vouloit bien écou-

ter ce qu'on lui proposoit. Et comme je vis enfin que je ne pouvois pas en tirer davantage, je lui dis comme par discours mes sentimens particuliers, et tout ce que je croirois qui pourroit être contre notre intérêt; ce que je ne répéterai pas pour éviter la longueur de ma lettre. A quoi il me répondit que pour ce qui étoit des *Païs-bas*, l'on en conviendrait aisément, de maniere que l'on en seroit satisfait comme V. M. le souhaiteroit; que pour l'*Espagne* même, l'on donneroit des sûretés suffisantes qu'elle ne viendrait jamais sous la domination d'un même Roi avec la France; mais pour les *Indes*, ni la sûreté du commerce de la *Mediterranée*, sur lesquelles deux choses je touchai beaucoup, il ne me répondit rien, demandant seulement que je voulusse rendre compte à V. M. de ce qu'il m'avoit proposé, et déclaré des sentimens du Roi son maître et d'être informé des vôtres, Sire. Je n'ai pas voulu dire rien qui pouvoit aucunement faire juger que ce fussent les intentions de V. M. particulièrement quand on ne sauroit que si peu ou point. C'est pourquoi j'attendrai pour savoir la volonté de V. M. sur la chose même, et la conduite qu'elle veut que je tienne; et cependant si j'en ai l'occasion, je parlerai encore en discours à Mons. de Pomponne pour l'engager à lui faire découvrir ses sentimens un peu plus. Je supplie V. M. de pardonner les fautes de ma lettre, qui n'est pas d'une nature à la faire voir à ame qui vive de mes gens, et que j'ai à peine le tems de relire, bien moins d'en tirer les minutes, parceque M. le Dauphin m'a envoyé chercher pour aller toute presentement à la chasse avec lui, ce que je n'ai pas voulu excuser, ni ne puis remettre plus tard. Je m'en vais monter en carrosse pour aller à Meudon. Le comte de Tallard part aujourd'hui: je crois que l'on a attendu exprès si long-

tems à me parler de ceci, pour se pouvoir servir de lui dans cette affaire, en cas que l'on ne se trouve pas satisfait de moi; quoique la roideur que j'ai marqué sur toutes les difficultés que l'on m'a faites, soit approuvée de tout le monde à la cour, et que l'on rejette toute la faute sur les introducteurs que M. même traite d'ignorans et d'impertinens, l'on juge peut-être de moi, que je ne me laisserai pas mener dans les choses où mon peu de tems me peut faire voir, que je ne trouverai pas le service de V. M. ni l'intérêts des deux nations. Je la supplie de croire que je suis toujours à elle avec le même zèle et respect,

PORTLAND.

Paris, le 15 Mars, 1698.

EXTRACT OF A LETTER FROM KING WILLIAM TO
PENSIONARY HEINSIUS,

Kensington, April 11, 1698.

COUNT Tallard has had a private audience of me to-day, and made the same propositions Pomponne and Torcy have done to the earl of Portland.

W. R.

The above documents decide, beyond all controversy, a question once regarded as extremely problematic, viz. whether the project of the celebrated treaty of partition originated with the king of France or the king of Great Britain? Before king William left London, July 1698, he imparted to lord Somers, and so far as appears, to him alone, and in very general terms, that some such design was in agitation. On the king's arrival at Loo, accompanied by M. Tallard, the negotiation advanced

rapidly to maturity; and in the month of August the king wrote, with his own hand, a letter to lord Somers, acquainting him with the particulars provisionally agreed upon, and desiring his opinion and advice upon this momentous subject. To which lord Somers returned an answer which involved him in the greatest difficulty, and exposed him to the heaviest censure he ever experienced.

SECT. III.

KING WILLIAM TO LORD SOMERS, AND LORD SOMERS'S REPLY.

Loo, August 15-25, 1698.

I IMPARTED to you, before I left England, that in France there was expressed to my lord Portland some inclination to come to an agreement with us concerning the succession of the king of Spain, since which count Tallard has mentioned it to me, and has made such propositions: the particulars of which my lord Portland will write to Vernon, to whom I have given orders not to communicate them to any other besides yourself, and to leave to your judgment to whom else you would think proper to impart them, to the end that I might know your opinion upon so important an affair, and which requires the greatest secrecy. *If it be fit this negotiation should be carried on*, there is no time to be lost, and you will send me the full powers under the great seal, with the names *in blank* to treat with count Tallard. I believe this may be done so secretly that none but you and Vernon, and those to whom you shall

have communicated it, may have knowledge of it; so that the clerks who are to write the warrant, and the full powers, may not know what it is. According to all intelligence the king of Spain cannot outlive the month of October, and the least accident may carry him off every day. I received yesterday your letter of the 9th. Since my lord Wharton cannot at this time leave England, I must think of some other to send ambassador to Spain. If you can think of any one proper, let me know it, and be always assured of my friendship.

WILLIAM R.

LORD SOMERS TO KING WILLIAM.

Tunbridge Wells, 28th Aug. 1693, O. S.

SIR,

HAVING your majesty's permission to try if the waters would contribute to the re-establishment of my health, I was just got to this place when I had the honour of your commands. I thought the best way of executing them would be to communicate to my lord Orford, Mr. Montague, and the duke of Shrewsbury, (who before I left London had agreed upon a meeting about that time) the subject of my lord Portland's letter; at the same time letting them know how strictly your majesty required that it should remain an absolute secret. Since that time Mr. Montague and Mr. Secretary are come down hither, and upon the whole discourse, three things have principally occurred to be humbly suggested to your majesty:

First, That the entertaining a proposal of this nature seems to be attended with very many ill consequences if the French did not act a sincere part; but we were soon

at ease as to any apprehension of this sort, being fully assured your majesty would not act but with the utmost nicety in an affair wherein the glory and safety of Europe were so highly concerned.

The *Second* thing considered was the very ill prospect of what was like to happen upon the death of the king of Spain, in case nothing was done previously towards the providing against that accident, which seemed probably to be very near. The king of France having so great a force in such a readiness, that he was in condition to take possession of Spain before any other prince could be able to make a stand. Your majesty is the best judge whether this be the case who are so perfectly informed of the circumstances of parts abroad. But so far as relates to England, it would be want of duty not to give your majesty this clear account, that there is a deadness and want of spirit in the nation universally, so as not at all to be disposed to the thought of entering into a new war, and that they seem to be tired out with taxes to a degree beyond what was discerned till it appeared upon occasion of the late elections. This is the truth of the fact, upon which your majesty will determine what resolutions are proper to be taken.

That which remained was the consideration what would be the condition of Europe if the proposal took place. Of this we thought ourselves little capable of judging. But it *seemed* that if Sicily was in the French hands they will be entirely masters of the Levant trade; that if they were possessed of Final, and those other seaports on that side, whereby Milan would be entirely shut out from relief by sea, or any other commerce, that dutchy would be of little signification in the hands of any prince. And that if the king of France had pos-

session of that part of Guipuscoa, which is mentioned in the proposal, besides the ports he would have in the ocean, it does seem he would have as easy a way of invading Spain on that side as he now has on the side of Catalonia.

But it is not to be hoped that France will quit its pretences to so great a succession without considerable advantages; and we are all assured your majesty will reduce the terms as low as can be done, and make them, as far as is possible in the present circumstances of things, such as may be some foundation for the future quiet of Christendom; which all your subjects cannot but be convinced is your true aim. If it could be brought to pass that England might be some way a gainer by this transaction, whether it was by the elector of Bavaria, who is the gainer by your majesty's interposition in this treaty, his coming to an agreement to let us into some trade to the Spanish plantations, or in any other manner, it would wonderfully endear your majesty to your English subjects.

It does not appear, in case this negotiation should proceed, what is to be done on your part in order to make it take place. Whether any more be required than that the English and Dutch should sit still, and France itself to see it executed. If that be so, what security ought we to expect that if, by our being neuter, the French be successful, they will *confine* themselves to the terms of the treaty, and not attempt to make farther advantages of their success?

I humbly beg your majesty's pardon that these thoughts are so ill put together. These waters are known to discompose and disturb the head, so as almost totally to disable one from writing. I should be extremely

troubled if my absence from London has delayed the dispatch of the commission one day. You will be pleased to observe that two persons, as the commission is drawn, must be named in it, but the powers may be executed by either of them. I suppose your majesty will not think it proper to name commissioners that are not English, or naturalized, in an affair of this nature.

I pray God give your majesty honour and success in all your undertakings. I am, with the utmost duty and respect,

Sir,

Your Majesty's

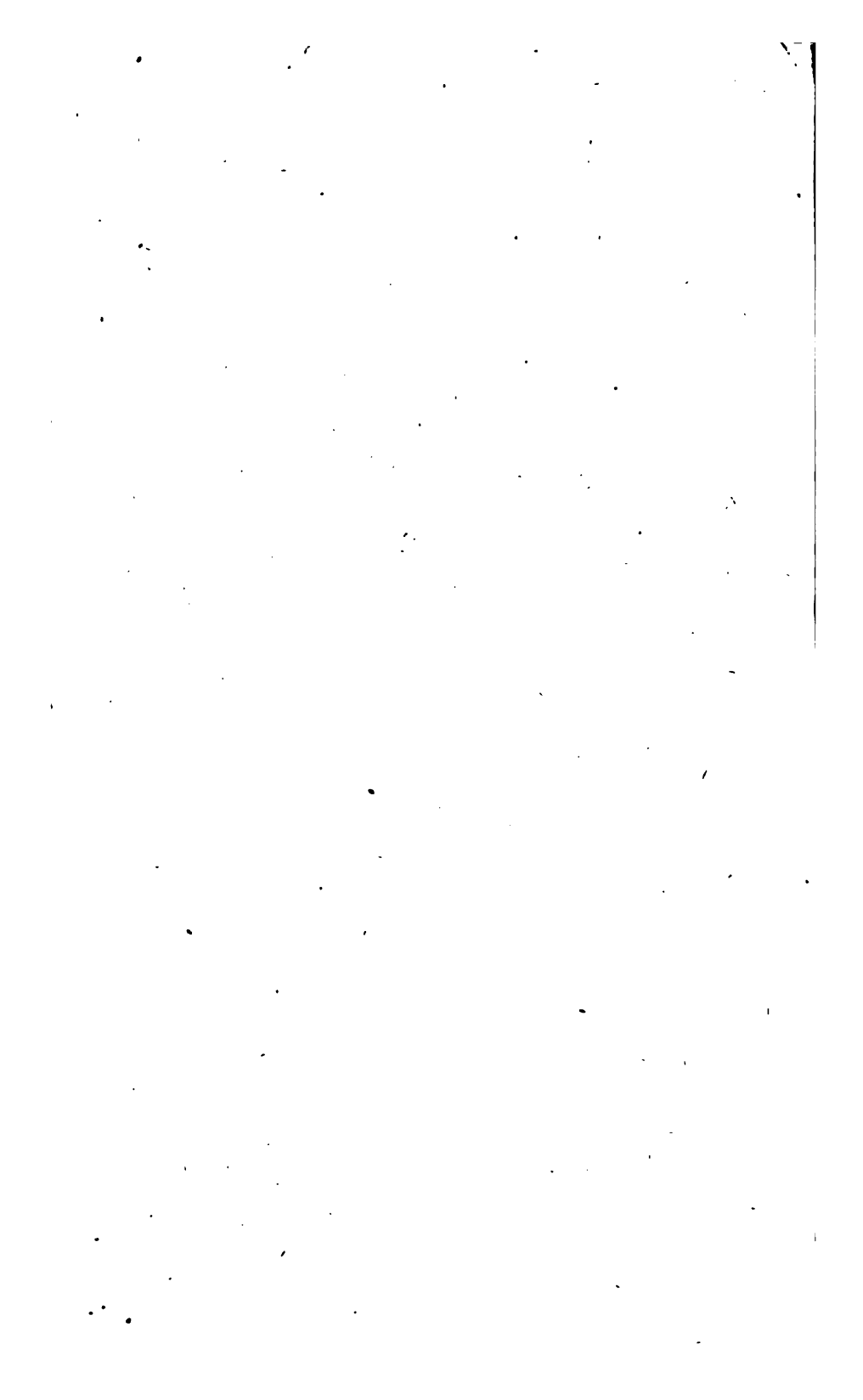
Most dutiful, and most

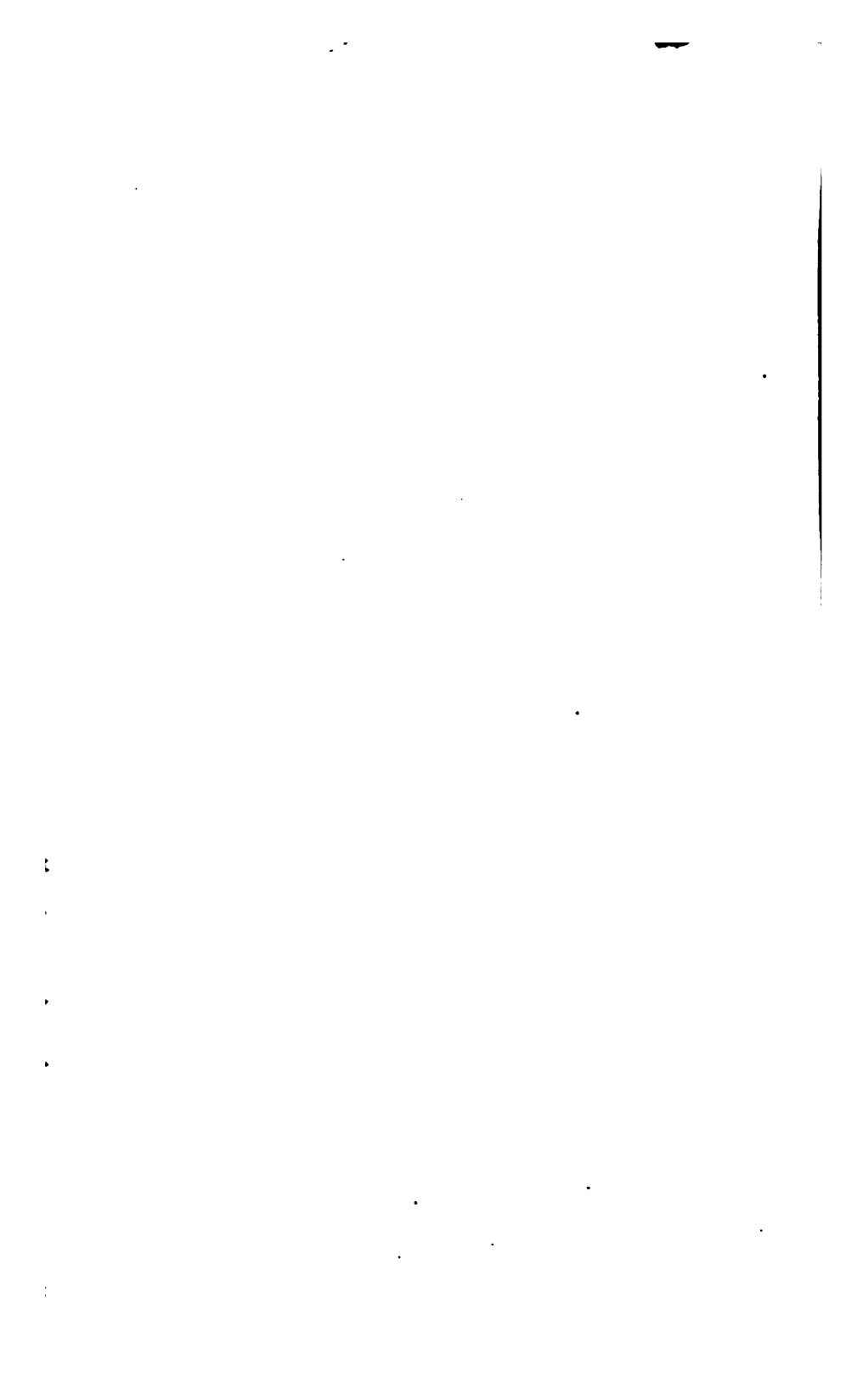
Obedient Subject and Servant,

SOMERS.

P. S. The commission is wrote by Mr. Secretary, and I have had it sealed in such a manner that no creature has the least knowledge of the thing besides the persons named.

END OF VOL. I.





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